

IN THE MATTER OF THE APPLICATION OF
PAINTERS MILL VENTURE FOR A ZONING
RECLASSIFICATION ON PROPERTY LOCATED
ON THE SOUTH SIDE OF RED RUN BOULEVARD,
2,061 FEET EAST OF THE CENTERLINE OF
OWINGS MILLS BOULEVARD
FROM BM-CT TO BM-CSA
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. R-90-170, Item #1,
Cycle II, 1989/90

OPINION

Petitioner, Painters Mill Venture, has filed with this Board a Petition to reclassify property from BM-CT zone to a BM-CSA zone. A hearing was held before this Board on March 7, 1990. The Petitioner was represented by Richard A. Reid, Esquire and Phyllis C. Friedman, People's Counsel for Baltimore County, also appeared.

The subject property is located on the south side of Red Run Boulevard, 2,061 feet east of Owings Mills Boulevard in the Fourth Election District and Third Councilmanic District of Baltimore County, Maryland. It consists of approximately .43 acres and is presently zoned BM-CT. The Petitioner requests that the present zoning obtained under the 1988 Comprehensive Zoning Map Process, be changed to BM-CSA. In effect, the request is a district change from C.T. to C.S.A.

At the hearing, twelve exhibits were offered by the Petitioner and stipulated to by People's Counsel. Included in the exhibits is an Affidavit in support of the Petition for Zoning Reclassification by John J. Dillon, Jr. of the Department of Planning and Zoning for Baltimore County. This Affidavit was offered in lieu of Mr. Dillon's testimony.

The exhibits disclose that the Petitioner filed a request for rezoning for several parcels of land including the subject property herein under the Rezoning Map Process, which requests were docketed under Item 3-309 in the log of issues for the Third Councilmanic District. It was requested that the subject property be rezoned from RAR-2 to BM for an automobile service station

Painters Mill Venture
Case No. R-90-170, Item #1, Cycle II - 1989/90

2.
to be known as Red Run Auto Center. The planning staff reviewed the request and recommended the change of zoning on the condition that the proposed use be limited to a full-service gas station with a convenience facility. At the request of the planning staff, the Petitioner confirmed in writing that if the BM zoning were granted, the property would only be used as a full-service gas station with a convenience facility. (See Exhibit No. 6). The property was rezoned to BM-CT by the County Council (See Exhibit Nos. 7 and 8) and became effective December 4, 1988 under Bill No. 146-88.

Following the adoption of the maps, it was discovered that the subject property could not be used as a gas station in a BM-CT zone unless it is part of a planned shopping center. It is clear from a review of the exhibits and the Affidavit of Mr. Dillon that the parties intended this particular property, consisting of .43 acres, more or less, be permitted as a matter of right to be used as a full-service gas station with a convenience facility. The proper zoning change should have been to a BM-CSA zone. It was not the intention of either the Petitioner or Baltimore County that the property be rezoned to a BM-CT zone. This Board finds that error occurred in the rezoning of this subject property and should be corrected by changing the zoning from BM-CT to BM-CSA to permit the desired use, a full-service gas station with a convenience facility, as a matter of right.

ORDER

It is therefore, this 10th day of April, 1990, by the County Board of Appeals of Baltimore County, ORDERED, that the Petition for Reclassification of

Painters Mill Venture
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2.
the property from BM-CT to BM-CSA, be, and is hereby GRANTED.
Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

Michael B. Sauer
Michael B. Sauer

2680d
RAR/plm
02-28-90

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

- PETITION FOR ZONING
RECLASSIFICATION
- S/S Red Run Boulevard
2601' E c/l Owings Mills Road
- 4th Election District
3rd Councilmanic District
- LEGAL OWNER: Painters Mill
Venture

CASE NO. R-90-170

AFFIDAVIT OF COMPLIANCE

I, William R. Crawford, Jr., hereby certify under the penalties of perjury that:
1. I am a competent person over 18 years of age.
2. I am not a party to this action.
3. On the 28th day of February, 1990, at approximately 2:05 p.m., I personally served a copy of the attached Subpoena Duces Tecum filed in the above-entitled matter this date on a person who identified herself to me as Betty Albright, Secretary to C. Richard Moore and authorized to accept service on his behalf, at the Traffic Engineering Bureau of the Department of Public Works, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

William R. Crawford, Jr.
William R. Crawford, Jr.

ROYSTON, MUELLER,
MCLEAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4578
823-1800

4273d
RAR/plm
02-28-90

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

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CASE NO. R-90-170

SUBPOENA DUCES TECUM

Gentlemen:

Please issue a Subpoena Duces Tecum returnable to Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, at 10:00 a.m. on Wednesday, March 7, 1990, to:

C. Richard Moore
Traffic Engineering Bureau
Department of Public Works
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

commanding him to appear and be prepared to testify at a hearing in the above-entitled matter and to bring with him all documents including but not limited to notes, memoranda, plats, maps and reports in his custody, control or possession relating to the classification of Red Run Boulevard in the 3rd Councilmanic District of Baltimore County.

Richard A. Reid
Richard A. Reid
Royston, Mueller, McLean & Reid
Suite 600
102 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-1800
Attorney for Petitioner

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Richard A. Reid
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Royston, Mueller, McLean & Reid
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102 W. Pennsylvania Avenue
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(301) 823-1800
Attorney for Petitioner

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RAR/plm
02-23-90

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

- PETITION FOR ZONING
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2601' E c/l Owings Mills Road
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3rd Councilmanic District
- LEGAL OWNER: Painters Mill
Venture

CASE NO. R-90-170

AFFIDAVIT OF COMPLIANCE

I, D. Elaine Sauer, hereby certify under the penalties of perjury that:

- I am a competent person over 18 years of age.
- I am not a party to this action.
- On the 22nd day of February, 1990, at approximately 11:39 a.m., I personally served a copy of the attached Subpoena Duces Tecum filed in the above-entitled matter this date on a person who identified herself to me as Lynn Fulcher, Secretary to John J. Dillon, Jr. and authorized to accept service on his behalf, at the Office of Planning and Zoning, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.

D. Elaine Sauer
D. Elaine Sauer

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TOWSON, MARYLAND
21204-4578
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02-22-90

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

- PETITION FOR ZONING
RECLASSIFICATION
- S/S Red Run Boulevard
2601' E c/l Owings Mills Road
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3rd Councilmanic District
- LEGAL OWNER: Painters Mill
Venture

CASE NO. R-90-170

SUBPOENA DUCES TECUM

Gentlemen:

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John J. Dillon, Jr.
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

commanding him to appear and be prepared to testify at a hearing in the above-entitled matter and to bring with him all documents including but not limited to notes, memoranda, plats, maps and reports in his custody, control or possession concerning the decision reached by the Planning Staff of Baltimore County and the Baltimore County Council concerning Item 3-309 in the log of issues for the Third Councilmanic District for the 1988 Comprehensive Rezoning of Baltimore County.

Richard A. Reid
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(301) 823-1800
Attorney for Petitioner

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21204-4578
823-1800

the proposed use, viz. a full service gasoline station with a convenience facility. To reassure the Planning Staff in this respect, Painters Mill Venture wrote a letter to Jack Dillon, Senior Community Planner for Baltimore County, with a copy to the council person for the Third District, guaranteeing that if the BM zoning were granted, the property would be used only as a full service gasoline station with a convenience facility (copy attached as Exhibit 6). Accordingly, the Planning Staff recommended a change in zoning by extending the existing BM-CT line to include the proposed site for the filling station. The County Council adopted the Planning Staff's recommendation and rezoned the parcel BM-CT (Exhibits 7 and 8). Bill No. 146-88 doing so was signed by the County Executive on October 20, 1988 and became effective December 4, 1988.

After the maps were adopted it was discovered that a gasoline station such as that proposed which is not part of a planned shopping center is not permitted in a BM-CT zone. Therefore, the site cannot now be utilized for the use which Painters Mill Venture and Baltimore County desired and intended to establish. This was in error. The error should be corrected by changing the zoning on the subject property from BM-CT to BM-CSA as indicated on Exhibit 9 to permit the desired use as a matter of right.

Accordingly, it is the recommendation of Baltimore County that the Petition for Zoning Re-Classification sought by Painters Mill Venture for such purpose be granted.

ROYSTON, MUELLER,
MCLEAN & REID
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108 W. PENN. AVE.
TOWSON, MARYLAND
21204-4078
410-41800

-2-

I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the contents of the foregoing Affidavit in Support of Petition for Zoning Re-Classification are true and correct to the best of my knowledge, information and belief and that I am competent to testify thereto as a witness.

John J. Dillon, Jr.
John J. Dillon, Jr., Senior
Planner for Community Planning
Office of Planning and Zoning

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 20th day of August, 1989, before me, the undersigned authority, personally appeared JOHN J. DILLON, JR., known to me (or satisfactorily proven) to be the person described in and who executed the foregoing instrument and acknowledged the same to be his act and deed for the purposes therein contained.

WITNESS my hand and official seal.

Patricia A. McKay
Notary Public
My Commission Expires: 7/1/90

ROYSTON, MUELLER,
MCLEAN & REID
SUIITE 800
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TOWSON, MARYLAND
21204-4078
410-41800

-2-

COMPREHENSIVE ZONING
Request For Change

Office of Planning and Zoning
Baltimore County, Maryland

1 APPLICANT'S NAME Jack L. Baylin, Managing Partner, Painters Mill Venture
2 ADDRESS Suite 201, 706 Old Court Road
3 CITY Pikesville STATE Maryland ZIP 21208 PHONE 486-3100
4 ORGANIZATION (if any) COMMUNITY ORGANIZATION INVOLVED:
5 APPLICANT STATUS: (Please Circle one)
Property Owner Contract Purchaser Legal Rep.
6 PROPERTY LOCATION NW of Lyons Mill Road/Painters Mill Road Intersection
7 ACREAGE OR LOT SIZE 263.11 acres
8 EXISTING ZONING BY ACRES See Exhibit A
9 REQUESTED ZONING BY ACRES See Exhibit A
10 EXISTING USE No development
11 PROPOSED USE (if known) Mixed uses (See Justification Statement)
12 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18 Issue No. 376 19 Year 84
(if applicable) 20(b) Cycle Zoning: 21 Case No.
22 WATER SERVICE ZONE Reisterstown Fifth
23 SUBVERSIVED NUMBER (If request is located in more than one subversived, the number of dwelling units for each subversived must be shown, if known.) Red Run 56
24 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (494-3691)

District	Property Number	Map	Block	Parcel
Deed	Liber	Folio	Rec. Plat	Liber
			Block	Lot

SEE EXHIBIT B

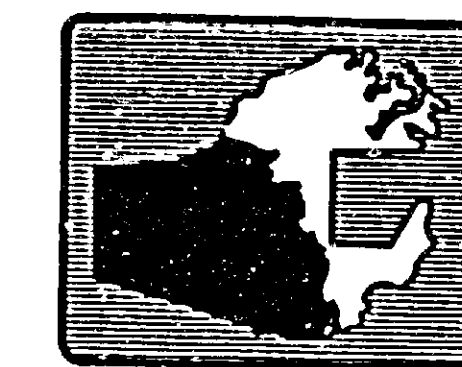
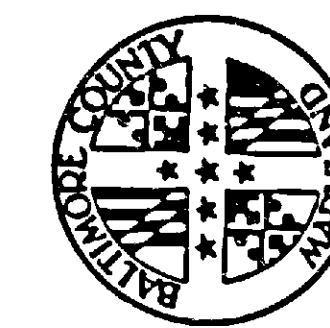
25 APPLICANT ACKNOWLEDGEMENT:
I hereby grant permission to Baltimore County for any required field inspections or sign posting of my property in regard to the subject zoning request.
I hereby acknowledge that if the requested zoning is granted, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.

NAME Jack L. Baylin, Robert G. Merrick (Type or Print)
(Landowner, Contract Purchaser and/or Legal Representative)
SIGNATURE *Jack L. Baylin* *Robert G. Merrick*
Managing Partner Managing Partner

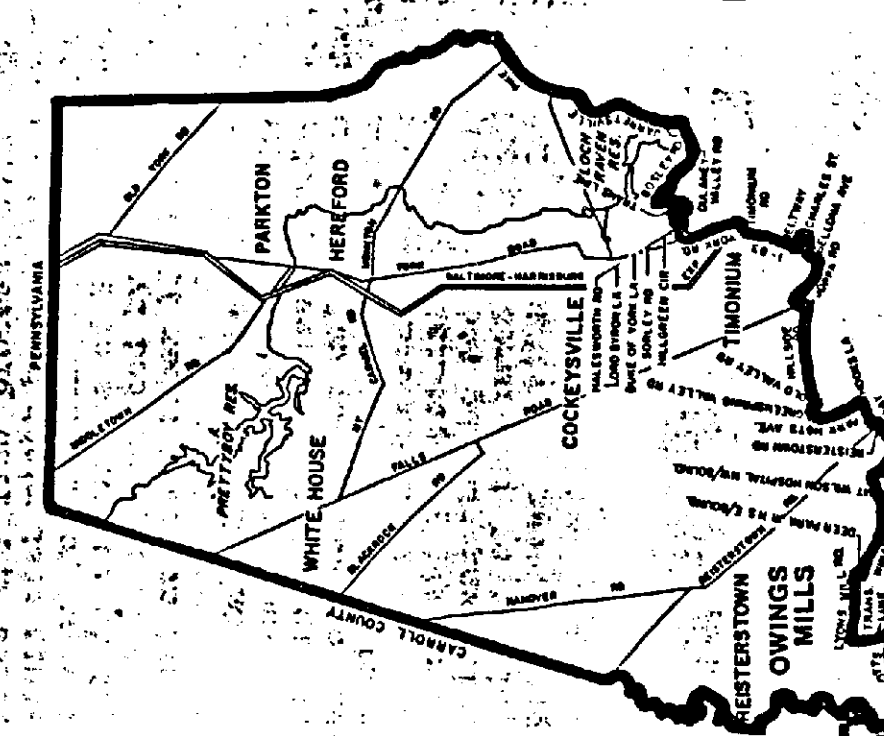
Application Must be Presented in Person

EXHIBIT 1

BALTIMORE COUNTY COUNCIL 1988 REZONING



HON. C.A. DUTCH RUPPERSBERGER III
COUNCIL OFFICE 807-3387



THIRD COUNCILMANIC DISTRICT

EXHIBIT 2

DATE: 10/7/88
SHEET: 41

NO.	PROPOSAL, CHART, DESCRIPTION, OR LOCATION OF PLAT MAP	EXISTING ZONING	REQUESTED ZONING	COMMENTS
2-304	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	RM-1	RM-2	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
2-305	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	RM-1	RM-2	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
2-306	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	RM-1	RM-2	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
2-307	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	RM-1	RM-2	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
2-308	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	RM-1	RM-2	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
2-309	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	RM-1	RM-2	See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

EXHIBIT 3

EXHIBIT A

PARCEL	ZONING	IN-PARCEL ACREAGE		OUT-PARCEL ACREAGE		TOTAL ACREAGE	
		EXISTING	REQUESTED	EXISTING	REQUESTED	EXISTING	REQUESTED
I	DR 10.5	3.53	0	0	0	3.53	0
	OT	17.76	21.69	0	0	17.76	21.69
	TOTAL	21.29	21.69	0	0	21.29	21.69
IIa	RAE 2	43.29	0	19.54	0	62.83	0
	DR 10.5	0.21	0	0	0	0.21	0
	EM	0	1.69	0	0	0	1.69
	OT	0	41.81	0	19.54	0	61.35
	TOTAL	43.50	43.50	19.54	19.54	63.04	63.04
IIb	RAE 2	4.13	7.22	0.30	0.5	4.43	7.72
	ML-IM	6.72	3.63	0.20	0.3	6.92	3.93
	OT	0	0	0.30	0	0.3	0
	TOTAL	10.85	10.85	0.80	0.8	11.65	11.65
IIIa	RAE 2	69.50	0	0.5	0	70.00	0
	OT	0.74	69.81	0	5.44	0.74	75.25
	BM	0	0.43	0	0	0	0.43
	BM-CT	0	0	4.94	0	4.94	0
	TOTAL	70.24	70.24	5.44	5.44	75.68	75.68
IIIb	RAE 1	8.76	8.76	0	0	8.76	8.76
	OT	12.43	13.18	0	0	12.43	13.18
	BM-CT	0.75	0	0	0	0.75	0
	TOTAL	21.94	21.94	0	0	21.94	21.94
IV	DR 16	88.53	65.02	0	0	88.53	65.02
	RAE 1	6.76	0	0	0	6.76	0
	EM	0	8.85	0	0	0	8.85
	OT	0	15.84	0	0	0	15.84
	TOTAL	95.29	95.29	0	0	95.29	95.29

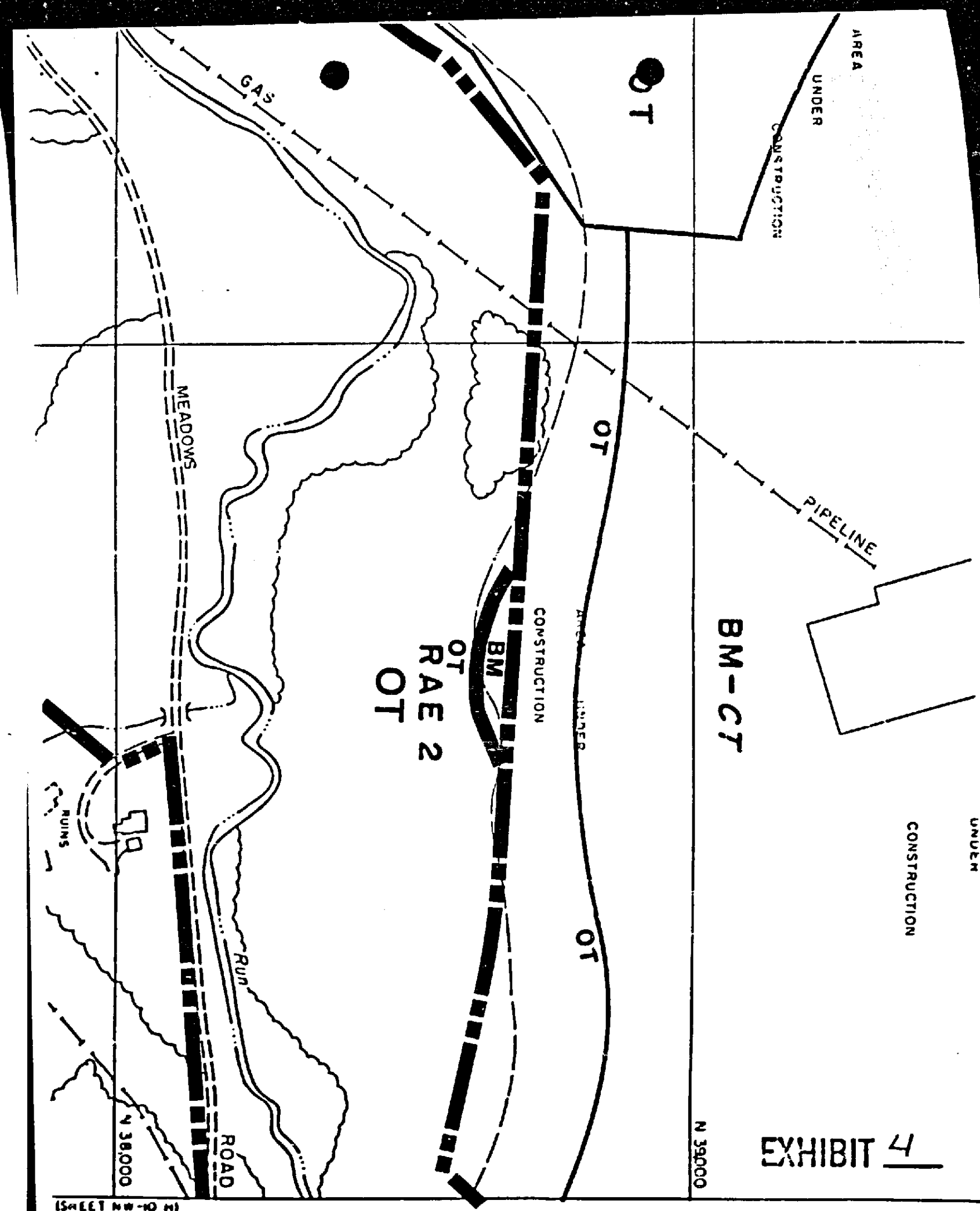


EXHIBIT 4

DESCRIPTION OF PROPOSED LAND USE & ZONING

As the development of Owings Mills Town Center area occurs through time it is important to analyze what has made the development successful and what kind of future land uses will continue this growth. It is important that each new land use be appropriate to the economic development and provide a balance of land uses generally consistent with the goals and intent of Baltimore County Master Plan and specifically the Owings Mills Town Center plan. To accomplish the above goals each land parcel needs to be analyzed for its specific location within the area, to its physical site conditions, its marketability, its relationship to adjacent uses, and to other influences such as highways, access and visibility as they effect land use.

A parcel of land between proposed Red Run Boulevard and the proposed Red Run Lake is currently zoned RAE 2 which basically would limit this site to high density housing. This parcel of land is bounded south by an OT zone, ML-IM on the north and faces OT zoning adjacent to the mall. This key parcel labeled IIa on the rezoning plan is highly influenced by views to the mall and adjacent office towers, a large capacity road system, views of the potential lake and to the south, potential high density office towers. Due to these factors and due to market demand for additional land uses other than high density housing, it is requested that the best land use for this site be provided in an OT zone. This OT zone change would allow an exciting mixture of land uses, provide a better balanced response to the marketplace, increase the potential for more around the clock activities with offices as well as housing and some retail uses and increase the public exposure to the valuable waterfront activity potential. The parcel labeled IIb to the north would remain RAE 2 as it is physically separated from other sites by steep sided ravines, roads, and its small size is limiting to other land uses. A small parcel of existing ML-IM would change to RAE 1 to align zoning lines with physical improvements such as roads and allow a reasonable sized and shaped parcel of land to be formed.

A parcel of land labeled IIIa is a steeply sloped parcel of land currently zoned RAE-2. This parcel is strongly influenced by views to the mall and adjacent OT zones at the intersection of Owings Mills Boulevard and Red Run Boulevard. It is down a hill in elevation from adjacent RAE-1 land for which there is no current market demand. A proposed OT zone would be compatible with Town Center uses and add a balance of land uses with the residential planned unit development of lake side, existing DR-16 and other RAE land zones.

A small parcel of land adjacent to the mall between Red Run Boulevard to the north and flood plain to the south is currently zoned RAE-2. Its size of only .43 of an acre is obviously too small for residential use and should be rezoned BM-CT compatible in use and complementary to the mall and adjacent Red Run Boulevard influence.

LANDSCAPE ARCHITECTURE
AND LAND PLANNING
3301 Centre Suite 410
4000 Chestnut Avenue
Baltimore, Maryland 21211
(410) 946-5559

EXHIBIT 5

Executive Office

Since 202
106 Old Court Road
Pikesville, Maryland 21208
(301) 486-3100

October, 1, 1988

Mr. Jack Dillon
BALTIMORE COUNTY OFFICE
OF PLANNING AND ZONING
Fourth Floor
New Court House Building
Towson, Maryland 21204

RE: BM Zoning Issue 3.309
For Service Station, Red Run Blvd.
Owings Mills, Maryland

Dear Mr. Dillon:

Please be advised that the undersigned guarantees the above captioned property will be developed only as a full service gasoline station with a convenience facility.

The architecture and layout will be similar to the Exxon Station on Patuxent Parkway in Columbia, MD. In essence, the building will have a low profile compatible with the architecture and quality of construction and landscaping in the immediate area.

Very truly yours,

PAINTER'S MILL VENTURE
Managing Partners

Jack L. Baylin

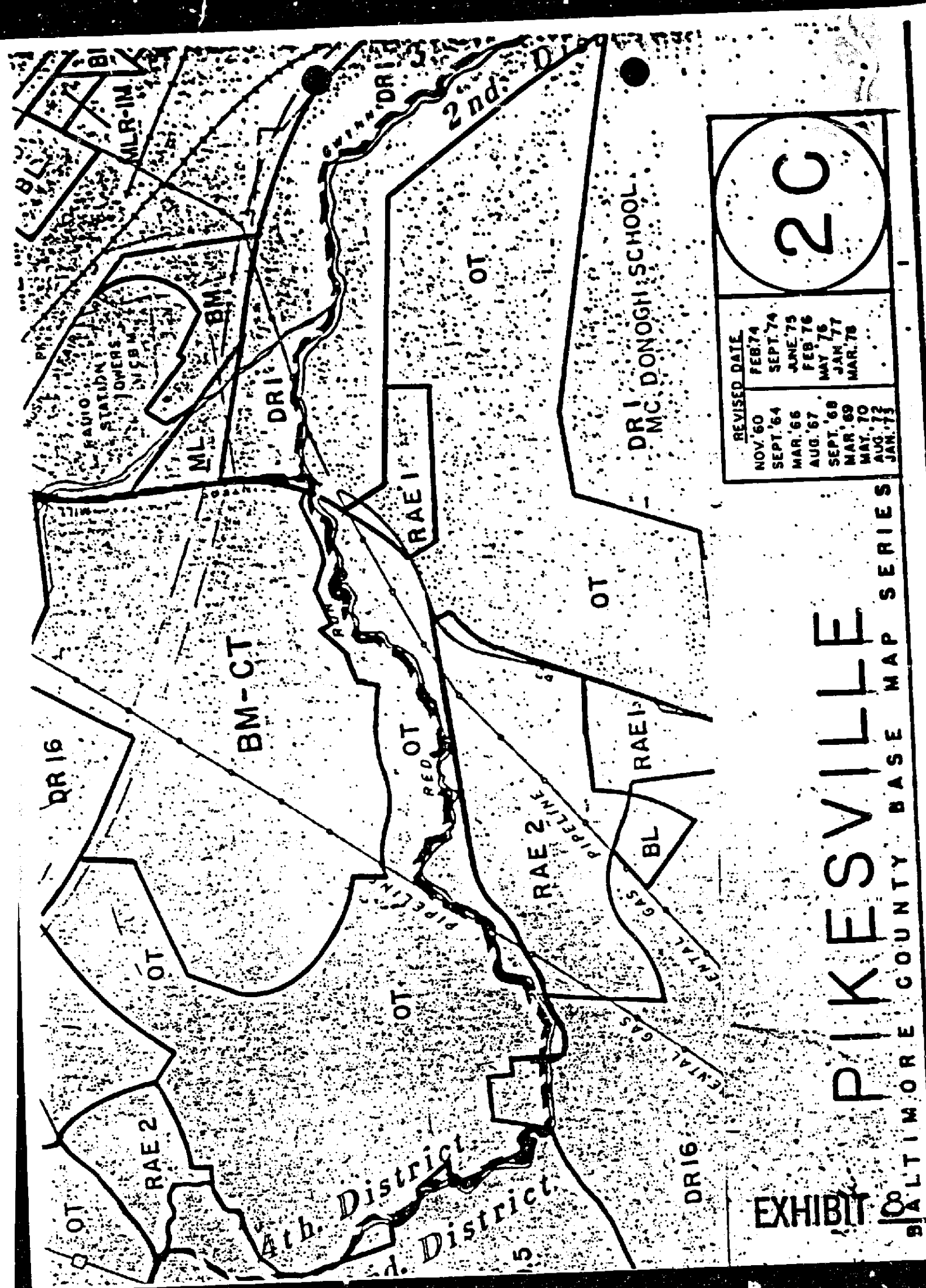
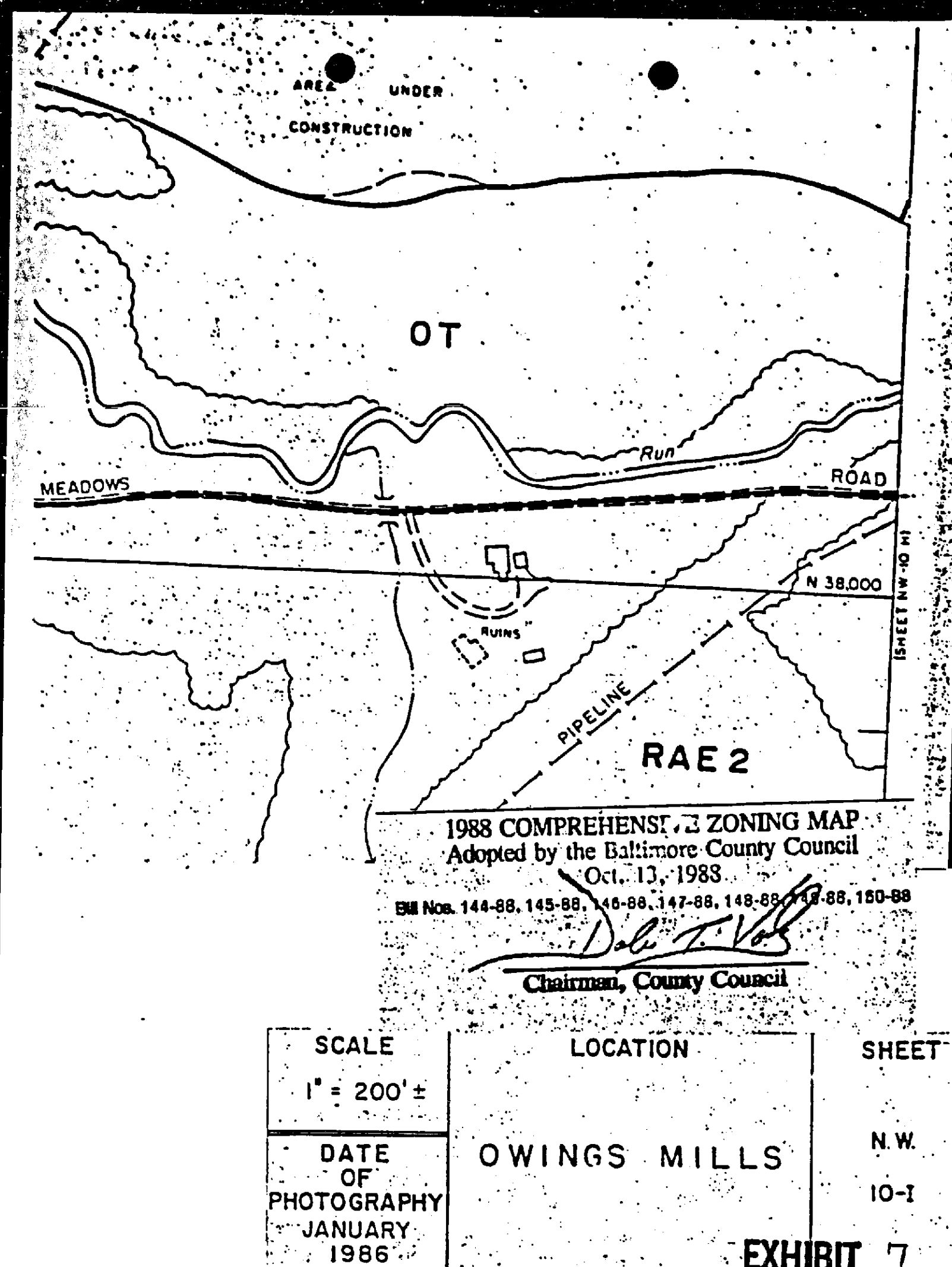
Morton Macks

Robert G. Meitner, Jr.

JLB/MM/RGM:da

CC: Hon. C. A. "Dutch" Ruppertsberger III

EXHIBIT 6



DATE	REVISION
NOV. 80	1-1
SEP. 84	2-1
MAR. 85	3-1
SEP. 85	4-1
MAR. 86	5-1
SEP. 86	6-1
MAR. 87	7-1
SEP. 87	8-1
MAR. 88	9-1
SEP. 88	10-1
MAR. 89	11-1
SEP. 89	12-1
MAR. 90	13-1
SEP. 90	14-1
MAR. 91	15-1
SEP. 91	16-1
MAR. 92	17-1
SEP. 92	18-1
MAR. 93	19-1
SEP. 93	20-1
MAR. 94	21-1
SEP. 94	22-1
MAR. 95	23-1
SEP. 95	24-1
MAR. 96	25-1
SEP. 96	26-1
MAR. 97	27-1
SEP. 97	28-1
MAR. 98	29-1
SEP. 98	30-1
MAR. 99	31-1
SEP. 99	32-1
MAR. 00	33-1
SEP. 00	34-1
MAR. 01	35-1
SEP. 01	36-1
MAR. 02	37-1
SEP. 02	38-1
MAR. 03	39-1
SEP. 03	40-1
MAR. 04	41-1
SEP. 04	42-1
MAR. 05	43-1
SEP. 05	44-1
MAR. 06	45-1
SEP. 06	46-1
MAR. 07	47-1
SEP. 07	48-1
MAR. 08	49-1
SEP. 08	50-1
MAR. 09	51-1
SEP. 09	52-1
MAR. 10	53-1
SEP. 10	54-1
MAR. 11	55-1
SEP. 11	56-1
MAR. 12	57-1
SEP. 12	58-1
MAR. 13	59-1
SEP. 13	60-1
MAR. 14	61-1
SEP. 14	62-1
MAR. 15	63-1
SEP. 15	64-1
MAR. 16	65-1
SEP. 16	66-1
MAR. 17	67-1
SEP. 17	68-1
MAR. 18	69-1
SEP. 18	70-1
MAR. 19	71-1
SEP. 19	72-1
MAR. 20	73-1
SEP. 20	74-1
MAR. 21	75-1
SEP. 21	76-1
MAR. 22	77-1
SEP. 22	78-1
MAR. 23	79-1
SEP. 23	80-1
MAR. 24	81-1
SEP. 24	82-1
MAR. 25	83-1
SEP. 25	84-1
MAR. 26	85-1
SEP. 26	86-1
MAR. 27	87-1
SEP. 27	88-1
MAR. 28	89-1
SEP. 28	90-1
MAR. 29	91-1
SEP. 29	92-1
MAR. 30	93-1
SEP. 30	94-1
MAR. 31	95-1
SEP. 31	96-1
MAR. 32	97-1
SEP. 32	98-1
MAR. 33	99-1
SEP. 33	100-1

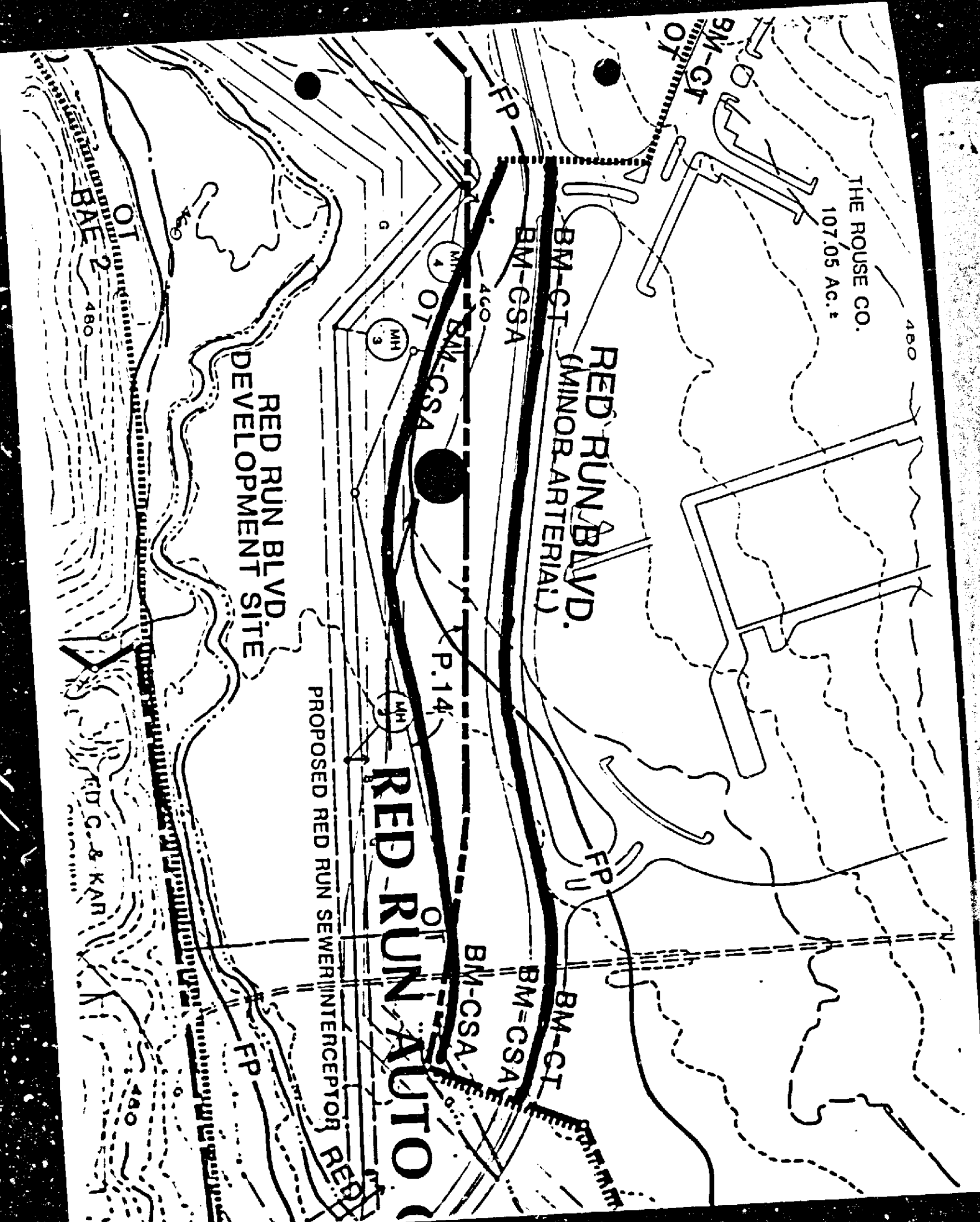
owings mills development area
baltimore county, maryland

RED RUN AUTO CENTER PAINTER'S MILL VENTURE

A Proposal for Development by

KIDDE CONSULTANTS, INC.
PLANNERS / LANDSCAPE ARCHITECTS / ENGINEERS
BALTIMORE, MARYLAND

EXHIBIT 9



IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM B.M.-C.T. TO B.M.-C.S.A. ZONE S/S Red Run Blvd., 2,061' E C/L Owings Mills Blvd., 4th Election District 3rd Councilmanic District

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. R-90-170 (Item 1, Cycle II)

PEOPLE'S COUNSEL'S LIST OF EXHIBITS

	Page
The Recommended Baltimore County Comprehensive Zoning Map Log of Issues, June 28, 1988, A Report by the Baltimore County Planning Board for Public Hearings by the Baltimore County Council.	1
Baltimore County Council Minutes, Legislative Session 1988, Legislative Day No. 19, October 13, 1988.	4
Report by the Director of Planning and Zoning to the Baltimore County Planning Board, Zoning Reclassification Petitions, Cycle II, 1989, Baltimore County Office of Planning and Zoning, November 30, 1989.	6
Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals, Zoning Reclassification Petitions, Cycle II, 1989-1990, Adopted January 18, 1990, Baltimore County Office of Planning and Zoning, January 31, 1990.	10

THE RECOMMENDED BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Log of Issues, June 28, 1988

A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council

THE RECOMMENDED BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Log of Issues, June 28, 1988

A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council

RECOMMENDATIONS TO THE PLANNING BOARD				
LOCATION	ACREAGE	EXISTING ZONING	REQUESTED ZONING	RECOMMENDED ZONING
S/S Red Run Blvd 2,061' E., Centerline Duwings Mills Blvd	1.85	B.M.-C.T.	B.M.-C.S.A.	B.M.-C.S.A.
NW/S Caves Rd, 500' NE of Baronet Rd (NE of Garrison Forest Road)	65.50	R.C.2	R.C.5	R.C.2
NW/S Freeland Rd 2,320' NE of Middletown Rd	5.88	R.C.2	R.C.5	R.C.5
NE/S Thornton Mill Rd 2,400' NW Centerline	60.14	R.C.4	D.R.10.5	R.C.4
N/S Cinder Rd, 185.2' E. of Centerline of York Rd	.228	B.L. or B.R.	D.R.5.5	B.L.
SE cor. York Rd & Haddington Rd (1623 York Rd)	.198	R-0	B.L.	R-0
NW/S Belair Rd, 440' NE of Centerline of Putty Hill Ave. ("Perry Hills" Parcel)	20.26	D.R.5.5	B.R.	D.R.5.5
NW/S Marks Ave., 665' NE of Centerline of Fullerton Ave.	.496	D.R.5.5	B.R.	D.R.5.5
NW cor. Old Eastern Ave. & Ann Ave.	.21	D.R.16	B.R. with a request for Special Exception	B.R.

-5-

ITEM NO 1

NW101 & 2C

see zoning maps

not to scale

Location of Property Under Petition

Location of Property Under Petition

- The subject property lies within the Owens Mills Town Center.

Based upon an analysis of the property and the zoning history, staff supports the Petitioner's request.

PROPOSED VS. EXISTING ZONING:

Regulations governing the B.M. zone can be found in Section 233 B.C.Z.R., Section 239.2 outlines the provisions of the C.S.A. district

	<u>B.M.-C.T.</u>	<u>B.M.-C.S.A.</u>
Floor Area Ratio	5.5	4.0
Height	1 1/2 times allowed in B.M.	40 ft. or height tent
Setbacks		
Adjacent to residential	Similar to residential zone.	
Adjacent to commercial	Average front, none others required.	
Buffers	8 ft. between parking and adjacent residential uses.	

The C.S.A. district may only be applied to, 1) areas contiguous to C. C. C. or C.T. districts, 2) service areas for town center commercial cores, and 3) do not extend more than 750 ft. from a C.T. district.

Automobile service stations are allowed as special exceptions in Section 233.4 B.C.Z.R., subject to the provisions of Section 405 B.C.Z.R. which outline criteria for service stations. Service stations are allowed in the C.S.A. district.

SITE DESCRIPTION:

The subject location is a level plateau rising above the Red Run Flood Plain. The site is currently unimproved.

TRAFFIC/ROADS:

The property has direct access to Red Run Boulevard which is a major collector with four travel lanes on an 83 ft. right-of-way.


-10-

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

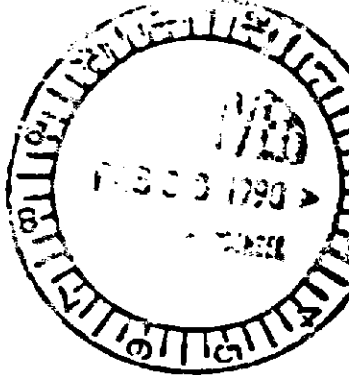
ZONING RECLASSIFICATION PETITIONS

CYCLE II, 1989-1990

Adopted January 18, 1990



County Executive
Dennis F. Rasmussen
and Clerk
Baltimore County Council



Baltimore County Office of Planning and Zoning
January 31, 1990

*Baltimore County Office of Planning and Zoning
January 31, 1990*

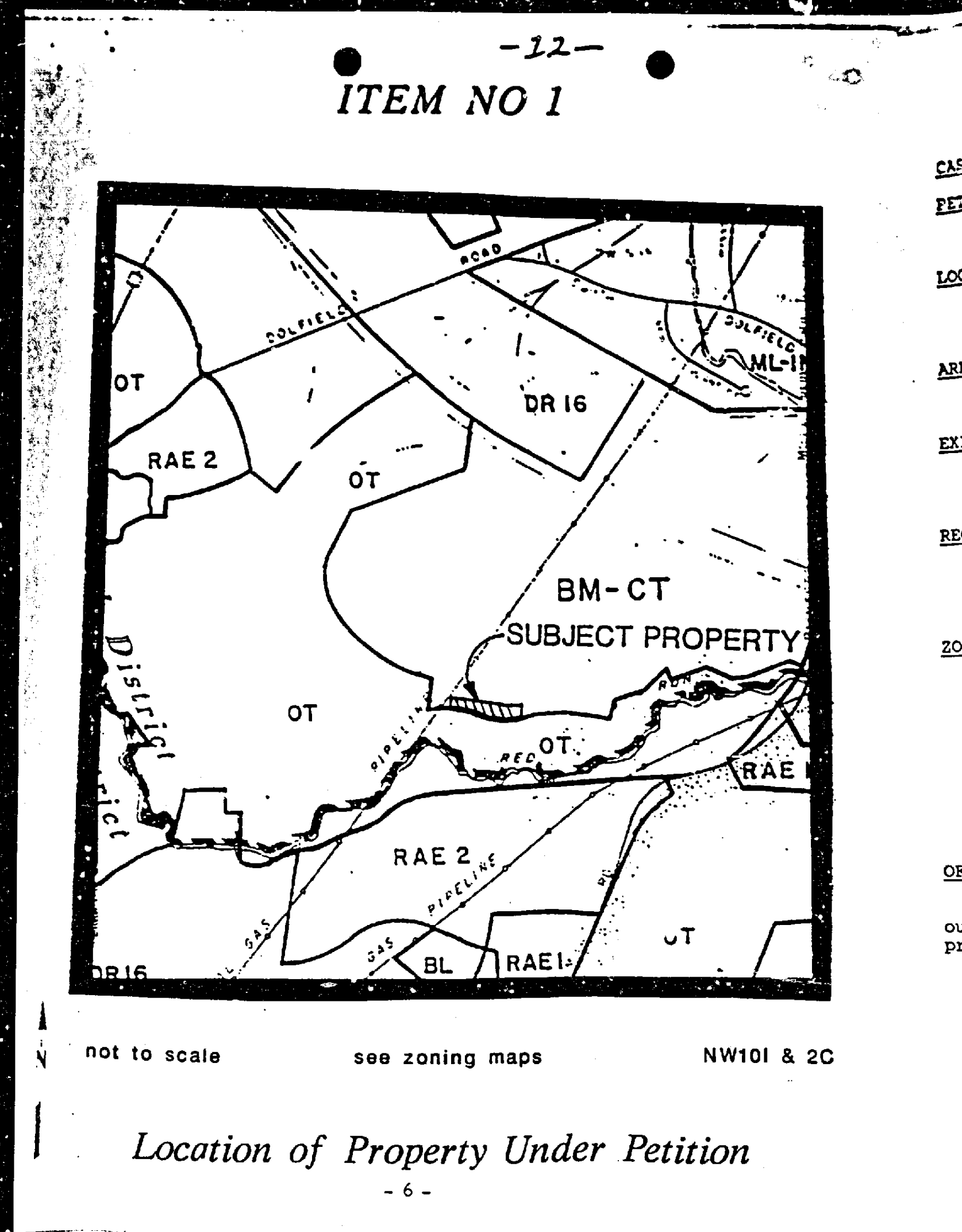
- 11 -

BALTIMORE COUNTY, MD
RECOMMENDATIONS OF THE OFFICE OF PLANNING AND ZONING
AND THE PLANNING BOARD

PETITIONER and ITEM NO.	LOCATION	ACREAGE	EXISTING ZONING	REPLACEMENT ZONING	OFFICE RECOMMENDATION	PLANNING BOARD RECOMMENDATION
Painters Mill Venture ITEM NO. 1	272 1/2 Red Run Blvd 2.841' E., Centerline Owings Mills Blvd	1.85	B.M.-C.T.	B.M.- C.S.A.	B.M.- C.S.A.	B.M.- C.S.A.
Caves Face Development Co. ITEM NO. 2	MM'S Caves Rd. 800' NE of Barclay Rd (NE of Garrison Forest Rd)	43.50	R.C.2	R.C.5	R.C.2	R.C.2
Thomas J. S. Frederick Gasoline ITEM NO. 3	MM'S Freeland Rd 2.330' NE of Hickstown Rd	5.88	R.C.2	R.C.5	R.C.5	R.C.2
Dickens Howard Goodman ITEM NO. 4	NE/S Thornton Hill Rd 2,400' NE Centerline	40.14	R.C.4	D.R.10.5	R.C.4	R.C.4
Felix L. Daugherty ITEM NO. 5	MS Cinder Rd, 185.2' E. of Centerline of York Rd	.228	D.R.5.5	B.L. or B.R.	B.L.	B.L.
George P. Karasgorgos ITEM NO. 6	SE cor. York Rd & Heddington Rd (1423 York Rd)	.198	R-0	B.L.	R-0	R-0
Ida Ltd Partnership ITEM NO. 7	MM'S Belsair Rd, 440' NE of Centerline of Putty Mill Ave. (Perry Mills Parcel)	20.25	D.R.5.5	B.R.	D.R.5.5	D.R.5.5
Charles C. & Merilee Dawber, Jr. ITEM NO. 8	NE of Centerline of Fullerton Ave.	.494	D.R.5.5	B.R.	D.R.5.5	D.R.5.5
George J. Ottensberger, et ux ITEM NO. 9	NE cor. Old Eastern Ave. & Ann Ave.	.21	D.R.14	B.R. with a request for Special Exception	B.R.	B.R.

HEARSCH/TKTGL
1/31/90

- 3 -



- 15 -

TRAFFIC/ROADS:
The property has direct access to Red Run Boulevard which is a major collector with four travel lanes on an 83 ft. right-of-way.

PROPERTIES IN THE VICINITY:
The subject property is bounded by the Owings Mills Mall to the north, the Columbia Gas Transmission Corporation right-of-way to the south and park and open space to the east and west.

WATER/SEWER:
The parcel is served by public water and sewer. The area is designated a W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

DOCUMENTED SITE PLAN:
A plat has been provided which indicates a site outline of the subject property.

ZONING HISTORY:
The zoning history of the property is as follows:
1976-1984 - R.C.3
1984 - R.A.E.
1988 - B.M.-C.T.

This site was map issue (#3-309) and was considered during the 1988 Comprehensive Zoning Map process. This issue involved a rezoning request from R.C. 3 to B.M.-C.T. which was granted by the County Council.

INTER-AGENCY COMMENTS:
See attached.

PK:JL:gal
C90170/ZAC1

- 9 -

A-90-170
Painters Mill Venture

Ed 10
Jc Ep 11
12

Mr. Diller's
Rec of Plan/Staff
Mon of C. Kawa

- 13 -

CASE NO. C90-170
CYCLE II, ITEM 1

PETITIONER:
Painters Mill Venture

LOCATION:
South side Red Run Boulevard, 2061 feet east of the centerline of Owings Mills Boulevard.

AREA OF SITE:
1.85 acres

EXISTING ZONING:
B.M.-C.T. (Business, Major Zone, Commercial, Town-Center Core District).

REQUESTED ACTION:
Reclassification to B.M.-C.S.A. (Business Major Zone, Commercial, supporting area) in order to allow the provision of a gas station.

ZONING OF ADJACENT PROPERTIES/USE:
North - B.M.-C.T., Owings Mills Mall
South - O.T., Columbia Gas Transmission Corporation right-of-way/future Red Run Stream Valley Park.
East - O.T., B.M., B.M.-C.T., Unimproved/Stream Valley Park
West - O.T., B.M.-C.T., Unimproved/Owings Mills Boulevard (now under construction).

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATION:
The Petitioner has submitted an open plan which indicates an outline of the property. In reference to this request, staff provides the following information:
- This parcel was reclassified during the 1988 Comprehensive Zoning Map process with the expressed purpose of providing a site for the location of an automotive service station to serve the Owings Mills Town Center. Unfortunately, B.M.-C.T. zoning does not permit such a use unless the property is part of a planned shopping center. Since the subject site is not contiguous to the Owings Mills Mall, a change in zoning is required for the desired use.

- 7 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 5, 1990

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Towson, MD 21204

Dennis F. Karmussen
County Executive

RE: Item No. 1
Case No. R90-170
Petitioner: Painters Mill Venture
Reclassification Petition

Dear Mr. Reid:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1989. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

- 14 -

- The subject property lies within the Owings Mills Town Center. Based upon an analysis of the property and the zoning history, staff supports the Petitioner's request.

PLANNING BOARD RECOMMENDATION:
The Planning Board recommends the Petitioner's request be granted; however, the following areas of concern need to be addressed:
- The Planning Board is concerned with the site's proximity to the Red Run and the environmental impact of the proposed use.
- In addition, extensive review of the site by the Department of Environmental Protection and Resource Management (DEPRM) is recommended prior to any development of the property.

PROPOSED VS. EXISTING ZONING:
Regulations governing the B.M. zone can be found in Section 233 B.C.Z.R., Section 259.2 outlines the provisions of the C.S.A. district

	B.M.-C.T.	B.M.-C.S.A.
Floor Area Ratio	5.5	4.0
Height	1 1/2 times allowed in B.M.	40 ft. or height tent
Setbacks		
Adjacent to residential	Similar to residential zone.	
Adjacent to commercial	Average front, none others required.	
Buffers	8 ft. between parking and adjacent residential uses.	

The C.S.A. district may only be applied to, 1) areas contiguous to C. C. C. or C.T. districts, 2) service areas for town center commercial cores, and 3) do not extend more than 750 ft. from a C.T. district.

Automobile service stations are allowed as special exceptions in Section 233.4 B.C.Z.R., subject to the provisions of Section 405 B.C.Z.R. which outline criteria for service stations. Service stations are allowed in the C.S.A. district.

SITE DESCRIPTION:
The subject location is a level plateau rising above the Red Run Flood Plain. The site is currently unimproved.

- 8 -

Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Jack L. Baylin
Painters Mills Venture
Suite 202, 106 Old Court Road
Pikesville, MD 21208

J. Robert Haines
Zoning Commissioner



J. Robert Haines

Received By:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

CRM:bza

Paul H. Reincke
Chief

Dennis F. Rasmussen
County Executive

Item No.: R-90-170 Zoning Agenda: OCTOBER, 1989-
WESTERN SECTOR APRIL, 1990

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau

JK/KEK

OCT 17 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of two successive weeks, the first publication appearing on Nov 1, 1989.

**NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER**

S. Carlisle Oulman

Publisher

5.

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED
FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE APRIL, 1989,
OCTOBER, 1989 ZONING RECLASSIFICATION CYCLE I

NORTHERN SECTION

2. Property Owner: Caves Farm Investment Company
Case No./Issuing Date: CR-90-171; March 14, 1990
Contract Purchaser: Garrison Forest Corporation
Location: 100/S Caves Road, 500' NE of
Baronet Road (NE of Garrison
Forest Road)
Existing Zoning: R.C.-2
Election District: 418
Councilmanic District: 3rd
Acres: 63.50
Proposed Zoning:

Property Owner: Thomas J. & Freeda E. Graziano
Case No./Hearing Date: 88-172; March 21, 1990
Contract Purchaser:
Location: NW/8 Freeland Road, 2,320' NE
of Middletown Road
Existing Zoning: R.C.-2
District: 6th
Election District: 3rd
Acres: 5.003
Proposed Zoning: R.C.-5

PROPERTY OWNER: Dickes Howard Gordon
 CASE NO./HEARING DATE: R-90-173; March 27, 1990
 CONTRACT PURCHASER: ME/R Thornton Hill Road,
 LOCATION: 2,400' NW centerline York Rd
 EXISTING ZONING: R.C.-4
 ELECTION DISTRICT: 8th
 COUNCILMANIC DISTRICT: 1st
 ADDRESS: 60, 142
 REMOVED TOWN: 60, 142

Property Owner: Felix L. Douguillo, et ux
Case No./Hearing Date: CE-90-174; April 4, 1990
Contract Purchaser: ---
Location: W/4 Cinder Road, 185.2' E of
centerline of York Road
(#2 Cinder Road)
Existing Zoning: D.R.-5.5
Election District: 8th
Councilmanic District: 4th
Acres: 0.220
Proposed Zoning:

Property Owner: George F. Karageorgos
Case No./Hearing Date: A-90-175; April 10, 1990
Contract Purchaser: -----
Location: SE/Cor York Road & Haddington Rd.
(1623 York Road)
Existing Zoning: S.O.
Electron District: 9th
Councilmanic District: 4th
Area: C.198
Proposed Zoning: S.L.

1. **Property Owner:** Eds Ltd. Partnership
City/Neighborhood: E. West Beach
Construction Date: April 19, 1970
Location: 3001/2 Maple Road, east 1/2
 section of Public Bldg. 1
 (1/2 City's Parcel)
Existing Zoning: 1410
Proposed Zoning: 1410
City/Neighborhood: E.S. 5
Construction Date: 1966
Location: S.R.

2. **Property Owner:** Charles C. & Lucille Inveror, Jr.
City/Neighborhood: 8-301/2 C
Construction Date: April 21, 1970
Location: Tenth Floor Group Building
 8075 Maple Avenue, 465' 90" of
 centerline of Fullerton Avenue
Existing Zoning: 0.8-5.5
Proposed Zoning: 1410
City/Neighborhood: S.R.
Construction Date: 0-490

9. Property Owner: George J. Gottenberger, et al
 Case No./Filing Date: CM-92-178A; May 2, 1992
 Contract Purchaser: -----
 Location: 116/Cor 140 Eastern Avenue &
 15th Ave. 11422 Old Eastern Ave. /
 R.O. - 16
 Painting District: 16th
 Election District: 16th
 Councilmanic District: 5th
 Acres: 0.21
 REVENUE: \$1,000.00

[illegible]

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY AND
P. DAVID FIELDS
DIRECTOR OF PLANNING AND ZONING

Copy of Ad ran in Northwest Star on 11-8-82.

8 November, 1994 Northwest STAR / Page 19 /

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1989 —
APRIL, 1990 ZONING RECLASSIFICATION CYCLE II

WESTERN SECTOR

1. Property Owner: Parkers Mill Venture
Jack Bayle, Mgr. Part
Case No. Hearing Date: R-90-170, March 7, 1990
Contract Purchaser: —
Location: S/S Red Run Boulevard, 2.061' E
centerline Owens Mills Blvd. (10375 Red Run Blvd.)
Existing Zoning: B.M. — C.T.
Election District: 4th
Councilmanic District: 3rd
Acres: 1.851
Proposed Zoning: B.M. — C.S.A.

NORTHERN SECTOR

2. Property Owner: Caves Farm Investment Company
Case No. Hearing Date: CR-90-171, March 14, 1990
Contract Purchaser: Garrison Forest Corporation
Location: NW/4 Caves Road, 500' NE of Baromet Road
(NE of Garrison Forest Road)
Existing Zoning: R.C. — 2
Election District: 4th
Councilmanic District: 3rd
Acres: 63.50
Proposed Zoning: R.C. — 5

3. Property Owner: Thomas J. & Friends Z. Gravano
Case No. Hearing Date: R-90-172, March 21, 1990
Contract Purchaser: —
Location: NW/4 Fresh Rd, 2,300' NE of Middletown Rd.
Existing Zoning: R.C. — 2
Election District: 6th
Councilmanic District: 3rd
Acres: 5.853
Proposed Zoning: R.C. — 5

CENTRAL SECTOR

4. Property Owner: Dickie Howard Goodman
Case No. Hearing Date: R-90-173, March 27, 1990
Contract Purchaser: —
Location: NE/4 Thornton Mill Road,
2,400' NW centerline York Rd.
Existing Zoning: R.C. — 4
Election District: 8th
Councilmanic District: 3rd
Acres: 60.143
Proposed Zoning: D.R. — 10.5

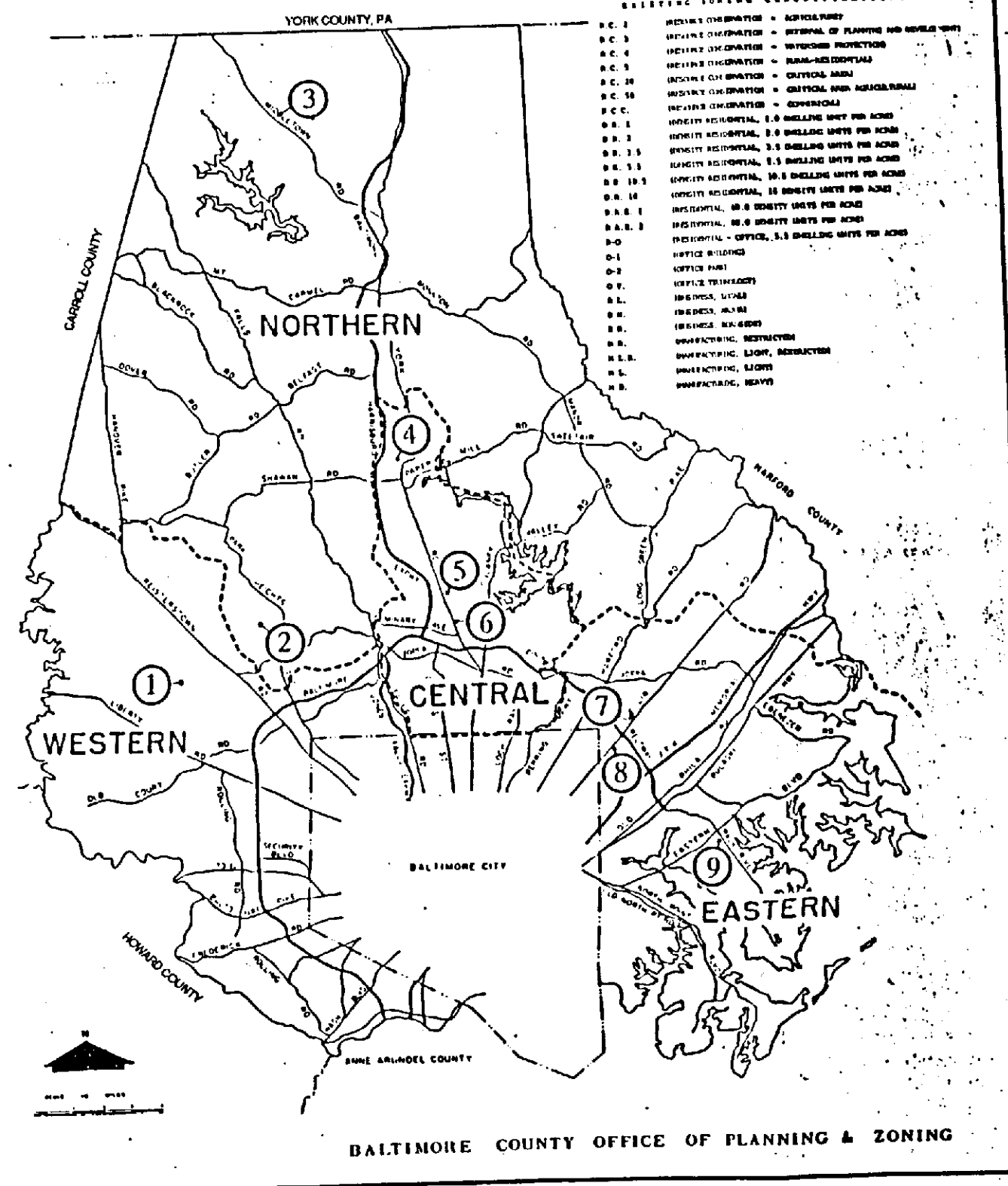
5. Property Owner: Felix L. Deugnetto, et al.
Case No. Hearing Date: CR-90-174, April 4, 1990
Contract Purchaser: —
Location: N/S Cedar Road, 185.2' E of centerline
of York Rd. (#2 Cedar Road)
Existing Zoning: D.R. — 5.5
Election District: 8th
Councilmanic District: 4th
Acres: 0.228
Proposed Zoning: B.R. or B.L.

6. Property Owner: George P. Karageorgos
Case No. Hearing Date: R-90-175, April 10, 1990
Contract Purchaser: —
Location: SE/4 York Road & Haddington Rd.
(1823 York Road)
Existing Zoning: R.O.
Election District: 4th
Councilmanic District: 4th
Acres: 0.186
Proposed Zoning: B.L.

EASTERN SECTOR

7. Property Owner: Ida Ltd. Partnership
by E. Scott Moore
Case No. Hearing Date: R-90-176, April 18, 1990
Contract Purchaser: —
Location: NW/4 Beller Road, 440' NE of centerline of
Putty Hill Ave. ("Putty Hill" Parcel)
Existing Zoning: D.R. — 5.5
Election District: 14th
Councilmanic District: 6th
Acres: 20.266
Proposed Zoning: B.R.

LOCATIONS OF PROPERTIES UNDER PETITION



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

8. Property Owner: Charles C. & Marilee Deaver, Jr.
Case No. Hearing Date: R-90-177, April 24, 1990
Contract Purchaser: Task Force Group Limited
Location: NW/4 Marks Avenue, 665' NE of centerline of
Fulleton Avenue
Existing Zoning: D.R. — 5.5
Election District: 14th
Councilmanic District: 6th
Acres: 0.494
Proposed Zoning: B.R.

9. Property Owner: George J. Guntensberger, et al.
Case No. Hearing Date: R-90-178A, May 2, 1990
Contract Purchaser: —
Location: NW/4 Beller Road, 440' NE of centerline of
Putty Hill Ave. ("Putty Hill" Parcel)
Existing Zoning: D.R. — 5.5
Election District: 14th
Councilmanic District: 6th
Acres: 20.266
Proposed Zoning: B.R.

Proposed Zoning: B.R. & Special Exception for contractor
equip. storage yard & Variance to Section 238.1, to
permit a rear yard setback of 3 ft. in lieu of the
required 25 ft.; Section 238.2, to permit a side yard
setback of 17 ft. in lieu of the required 30 ft. and a
rear yard setback of 15 ft. in lieu of the required 30 ft.;
Section 238.3 (see Section 409 Variance) & 238.4, to permit
storage of vehicles, materials or equipment within 5
ft. of the front property line in lieu of the required 10 ft.
Also Section 409 & A.2, to allow parking & driveways to
be surfaced with crusher run stone in lieu of the
required paving; Section 409 & A.6, to permit all parking
not to be striped; and Section 409 & A.8, to permit
parking D.R. from the street right-of-way in lieu of
the required 10 ft.

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY AND
P. DAVID FIELDS
DIRECTOR OF PLANNING AND ZONING

NCA 11007 November 2

November 1, 1989 THE NORTHEAST TIMES REPORTER Page 39

Copy of Ad ran in NE Times Reporter/Booster on 11-2-89.

CERTIFICATE OF PUBLICATION

TOWSON, MD.

November 10, 1989

THIS IS TO CERTIFY that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 2 successive
weeks, the first publication appearing on 11-2-89.

THE JEFFERSONIAN.

Publisher

PO 18442
M 134297

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR
FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1989 —
APRIL, 1990 ZONING RECLASSIFICATION CYCLE II

WESTERN SECTOR

1. Property Owner: Parkers Mill Venture
Jack Bayle, Mgr. Part
Case No. Hearing Date: R-90-170, March 7, 1990
Contract Purchaser: —
Location: S/S Red Run Boulevard, 2.061' E
centerline Owens Mills Blvd. (10375 Red Run Blvd.)
Existing Zoning: B.M. — C.T.
Election District: 4th
Councilmanic District: 3rd
Acres: 1.851
Proposed Zoning: B.M. — C.S.A.

NORTHERN SECTOR

2. Property Owner: Caves Farm Investment Company
Case No. Hearing Date: CR-90-171, March 14, 1990
Contract Purchaser: Garrison Forest Corporation
Location: NW/4 Caves Road, 500' NE of Baromet Road
(NE of Garrison Forest Road)
Existing Zoning: R.C. — 2
Election District: 4th
Councilmanic District: 3rd
Acres: 63.50
Proposed Zoning: R.C. — 5

3. Property Owner: Thomas J. & Friends Z. Gravano
Case No. Hearing Date: R-90-172, March 21, 1990
Contract Purchaser: —
Location: NW/4 Fresh Rd, 2,300' NE of Middletown Rd.
Existing Zoning: R.C. — 2
Election District: 6th
Councilmanic District: 3rd
Acres: 5.853
Proposed Zoning: R.C. — 5

CENTRAL SECTOR

4. Property Owner: Dickie Howard Goodman
Case No. Hearing Date: R-90-173, March 27, 1990
Contract Purchaser: —
Location: NE/4 Thornton Mill Road,
2,400' NW centerline York Rd.
Existing Zoning: R.C. — 4
Election District: 8th
Councilmanic District: 3rd
Acres: 60.143
Proposed Zoning: D.R. — 10.5

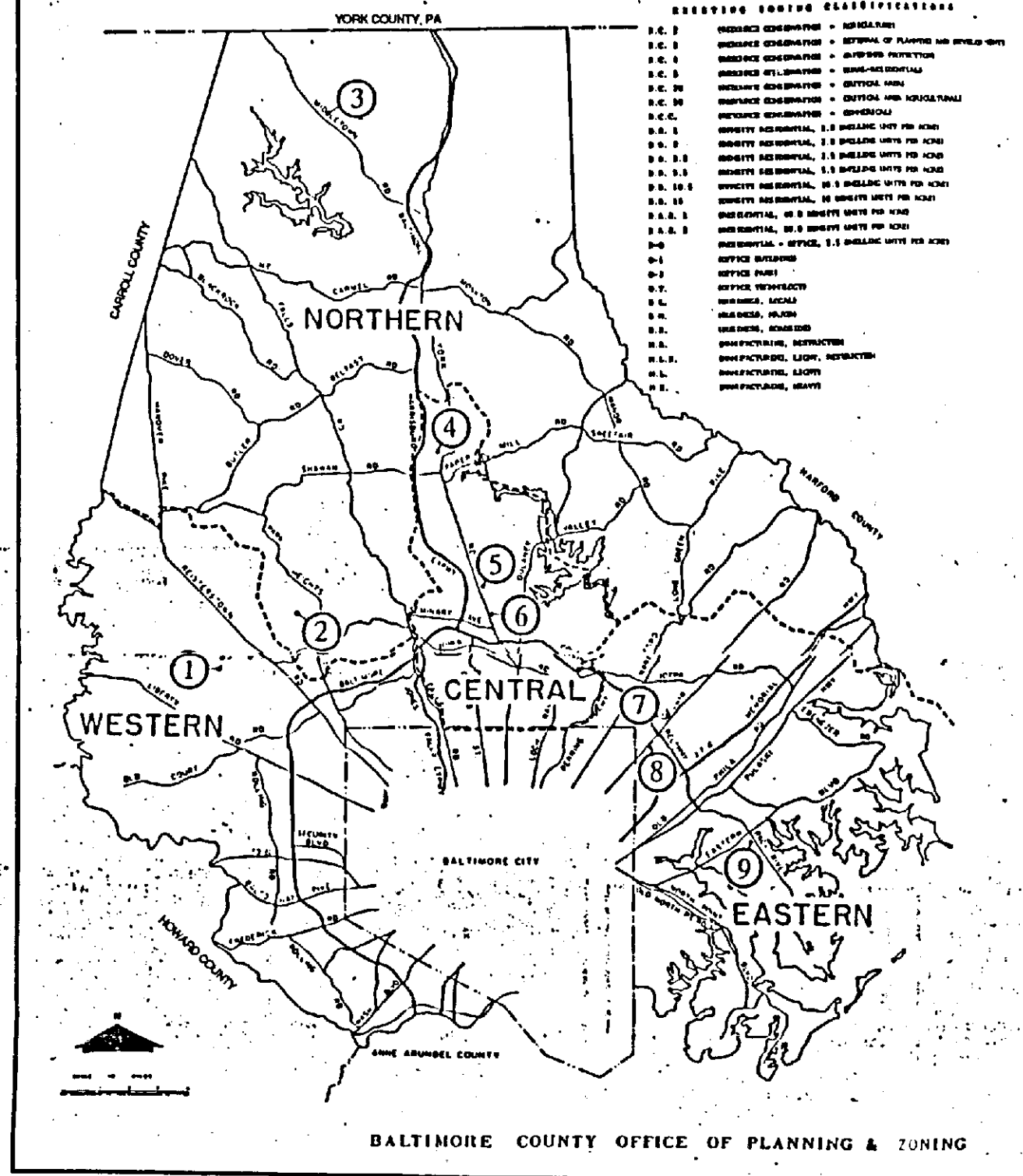
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Location: N/S Cedar Road, 185.2' E of centerline
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Proposed Zoning: B.R.

LOCATIONS OF PROPERTIES UNDER PETITION



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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Proposed Zoning: B.R.

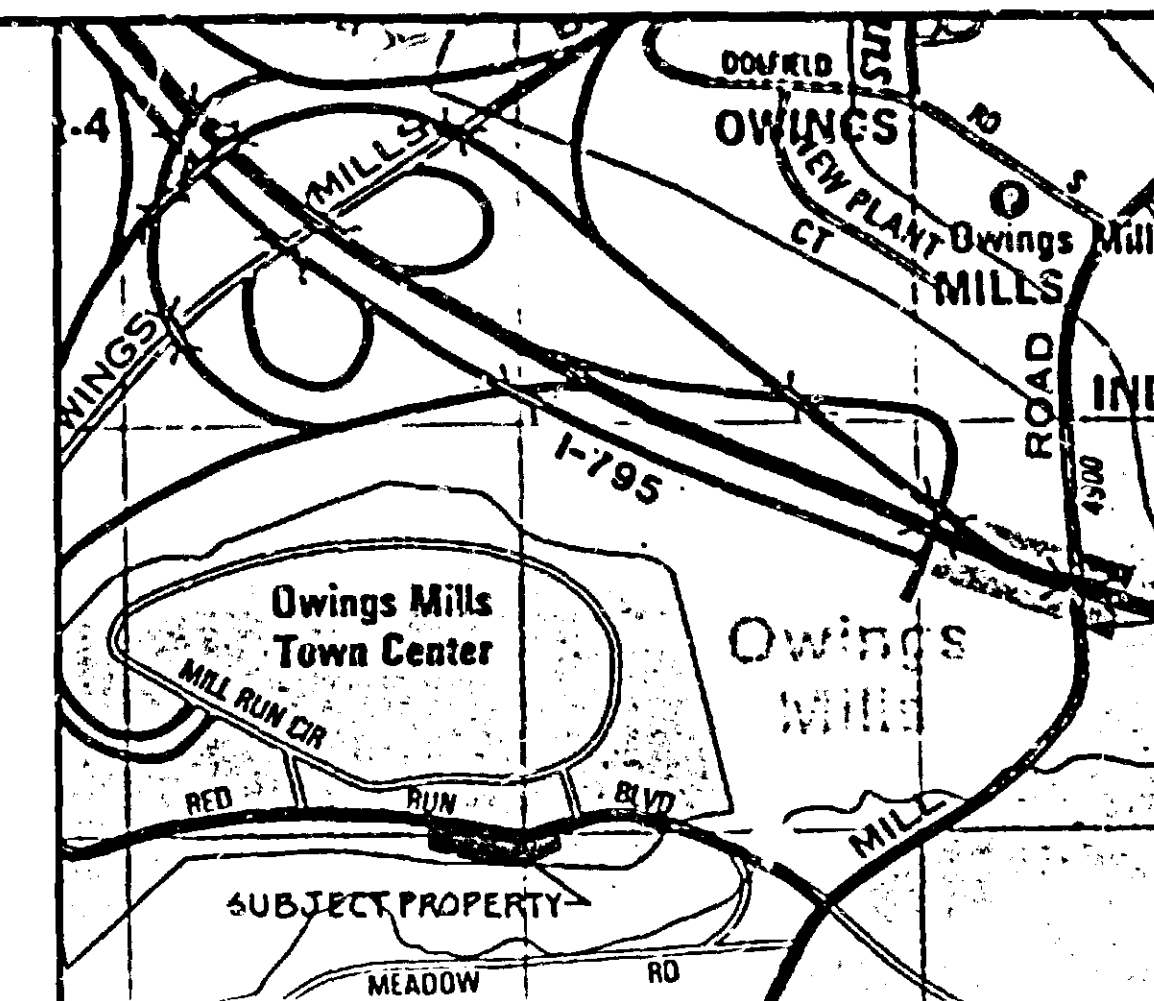
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Proposed Zoning: B.R.

Proposed Zoning: B.R. & Special Exception for contractor
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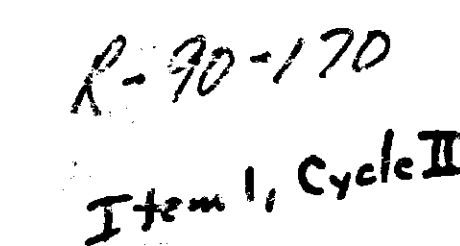
LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY AND
P. DAVID FIELDS
DIRECTOR OF PLANNING AND ZONING

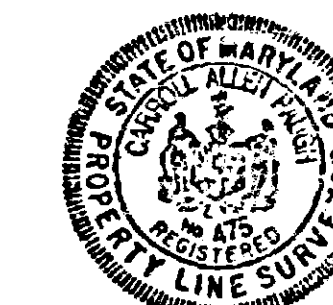
Reduced Copy of Ad ran in Jeffersonian
on 11-2-89 and 11-9-89.



VICINITY MAP
SCALE: 1"=1,000'



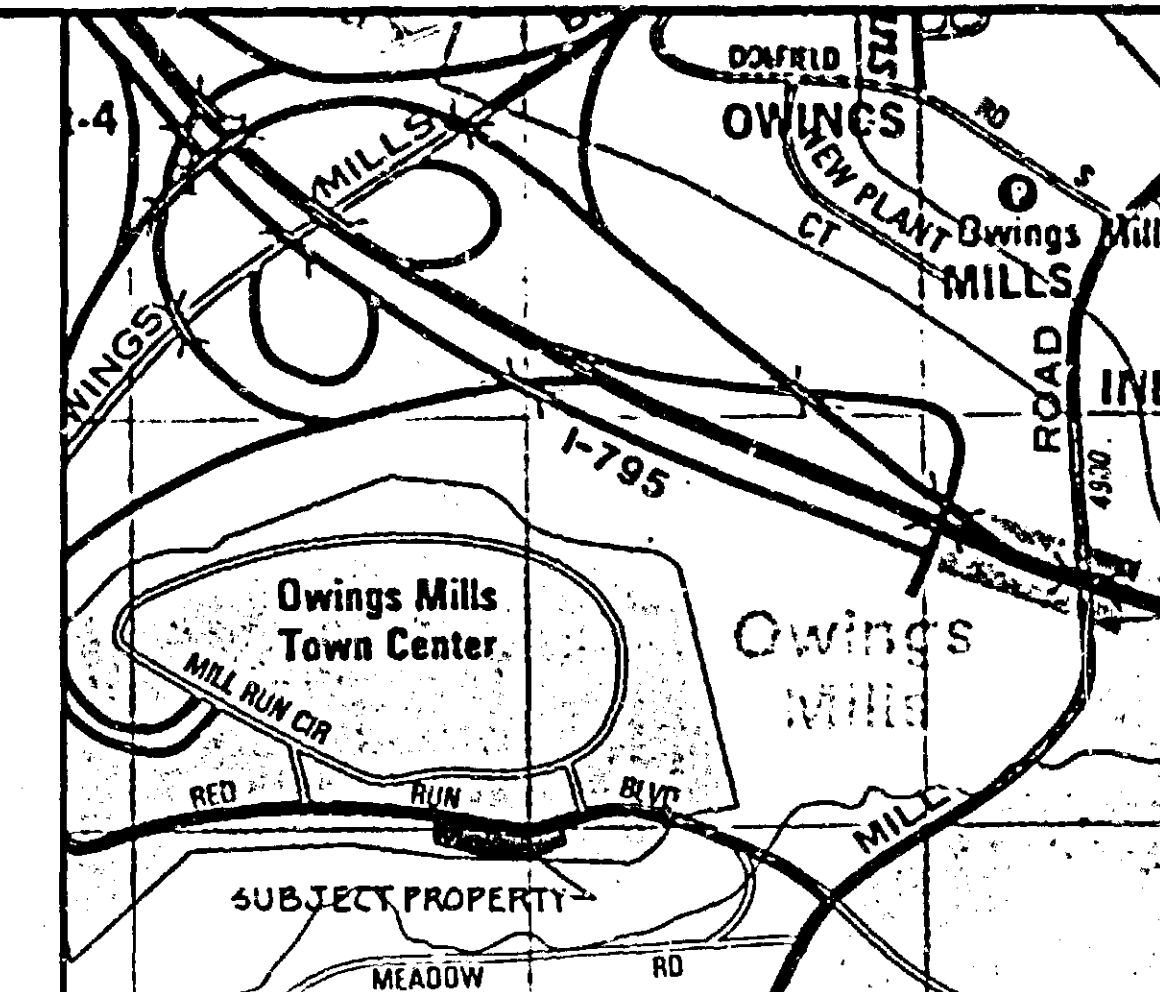
I, C. Allen Faugh hereby certify to the best of my knowledge, information and belief that this plat prepared by Fide Consultants, Inc. entitled "Map 23, 1989 to Accompany 'Cyclic Zoning Request', dated August 23, 1989 is true and correct and the foregoing line shown hereon is an accurate representation of the BM-Zoning line shown as shown on Baltimore County 200 Scale Zoning Map N.W. 10-1, as adopted by the Baltimore County Council on October 18, 1988.



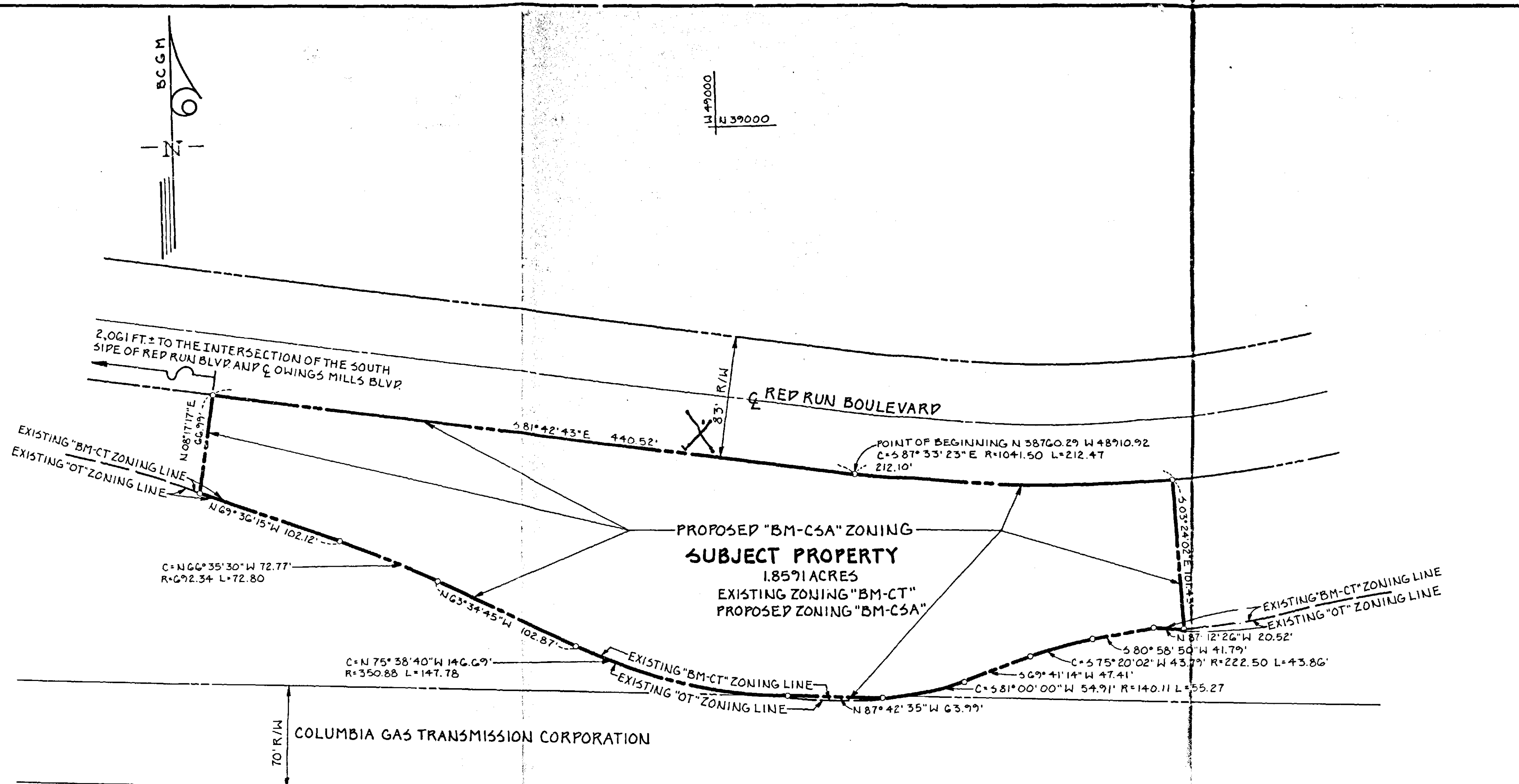
C. Allen Paugh
Registered Property Line Surveyor
Maryland License No. 475

8-29-8
Date

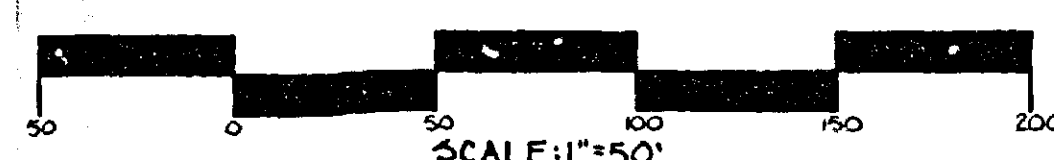
Drawing: CLY	DATE:	REVISIONS:	KIDDE CONSULTANTS, INC. ENGINEERS • PLANNERS • SURVEYORS 1020 CROMWELL BRIDGE ROAD, BALTIMORE, MARYLAND 21204, 301-321-5500	OWNER: PAINTERS MILL VENTURE C/O JACK DAYLIN 100 OLD COURT ROAD SUITE 202 PIKEVILLE, MARYLAND 21208	PLAT TO ACCOMPANY CYCLE ZONING REQUEST	RED RUN BLVD. SITE FOR PAINTERS MILL VENTURE ELECTION DISTRICT NO. 4	SHEET 1 OF 1	DATE AUG. 23, 1989 SCALE 1"=50'	JOB NUMBER 01-81278.F
Checked: CAP									
Designed: GDP									
Checked:									



VICINITY MAP
SCALE 1"=1,000'



SITE PLAN



P.65 GARRISON FOREST SCHOOL 1041/0463
P.317 ROSS A. CROOKS 5181/0492
P.320 ROBERT W. HANKS 5792/0682
P.264 CHAMP B. PURSLEY 7182/0167
P.87 ETHEL L. CHURAN 5753/0721
P.161 MARGARET D. ROSENBERGER 7861/0744
P.159 WILLIAM W. KIRK 3rd 7814/0747
P.162 GORPON J. COYLE 3841/587
P.248 GORPON J. COYLE 4425/0121
P.294 DONALD NELSON 5941/0797
P.3 JAMES A. MEADOWS JR. 7731/0003
P.224 JOHN W. RAFFERTY 4304/0087
P.179 JOHN W. RAFFERTY 3978/0343
P.20 ECKHART S. SMINK 6666/0286
P.306 JOSEPH FERTITTA 2964/0410
P.99 DAVID T. COYLE 3881/0053

P.46 OWINGS MILLS LIMITED PARTNERSHIP 6765/717
P.14 JACK L. BAYLIN, ETAL. 4562/0525
P.3 JAMES A. MEADOWS JR. 7731/0003
COLUMBIA GAS TRANSMISSION CORP. 6539/361
P.295 WALLACE R. WHITE 6527/0029
P.15 RONALD L. EBERLEIN 6649/0444
P.6 HILL LIMITED PARTNERSHIP 8015/0646
P.430 MC DONOUGH SCHOOL INC. 2100001346
P.163 LOUIS H. TANKIN 3830/0165
P.164 GARTH SAMUELS 6346/0155
P.238 CHASE MILL LIMITED PARTNERSHIP 7864/0573
P.272 ROBERT E. TURNER 4631/0608
P.250 STANLEY C. MILES 2875/0005
P.298 STANLEY C. MILES 2874/200
P.240 DAVID F. BECK 534 001
P.165 HUNTER E. R. 1155/026

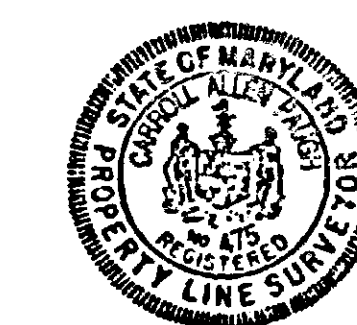
EXCERPT FROM 1989 BALTIMORE COUNTY
TAX MAP NO. 67
NOT TO SCALE

I, C. Allen Paugh hereby certify to the best of my knowledge, information and belief that this plat prepared by Kidde Consultants, Inc. entitled "Plat to Accompany Cycle Zoning Request", dated August 23, 1989 is true and correct and the zoning line shown hereon is an accurate representation of the Baltimore County 200 Scale Zoning Map N.W. 16-1, as adopted by the Baltimore County Council on October 18, 1988.

C. Allen Paugh
Registered Property Line Surveyor
Maryland License No. 475

8-23-89
Date

R-90-170
Item 1, Cycle II



Drafting	CLY	DATE	REVISIONS
Check	CAP		
Design	GDP		
Check			

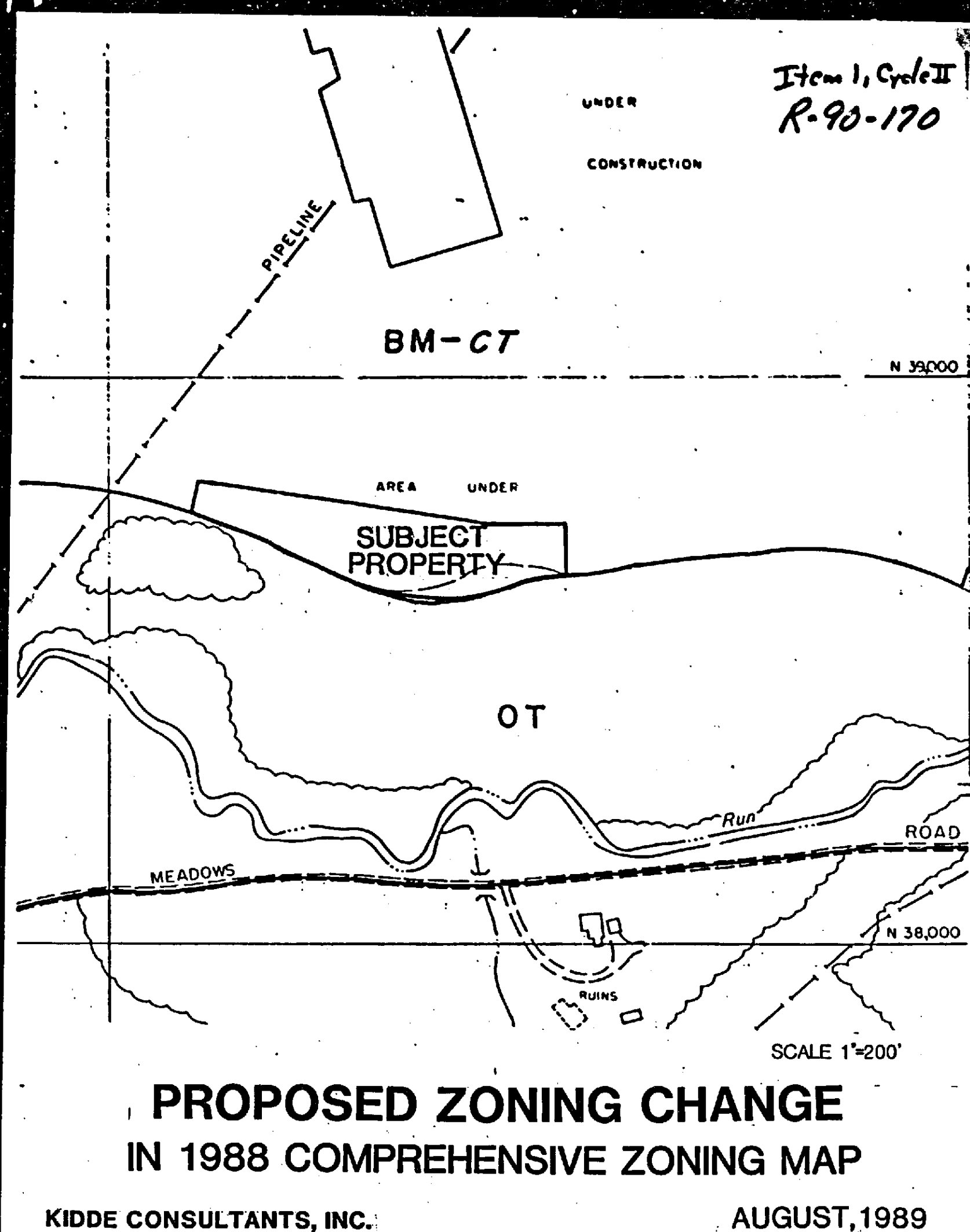
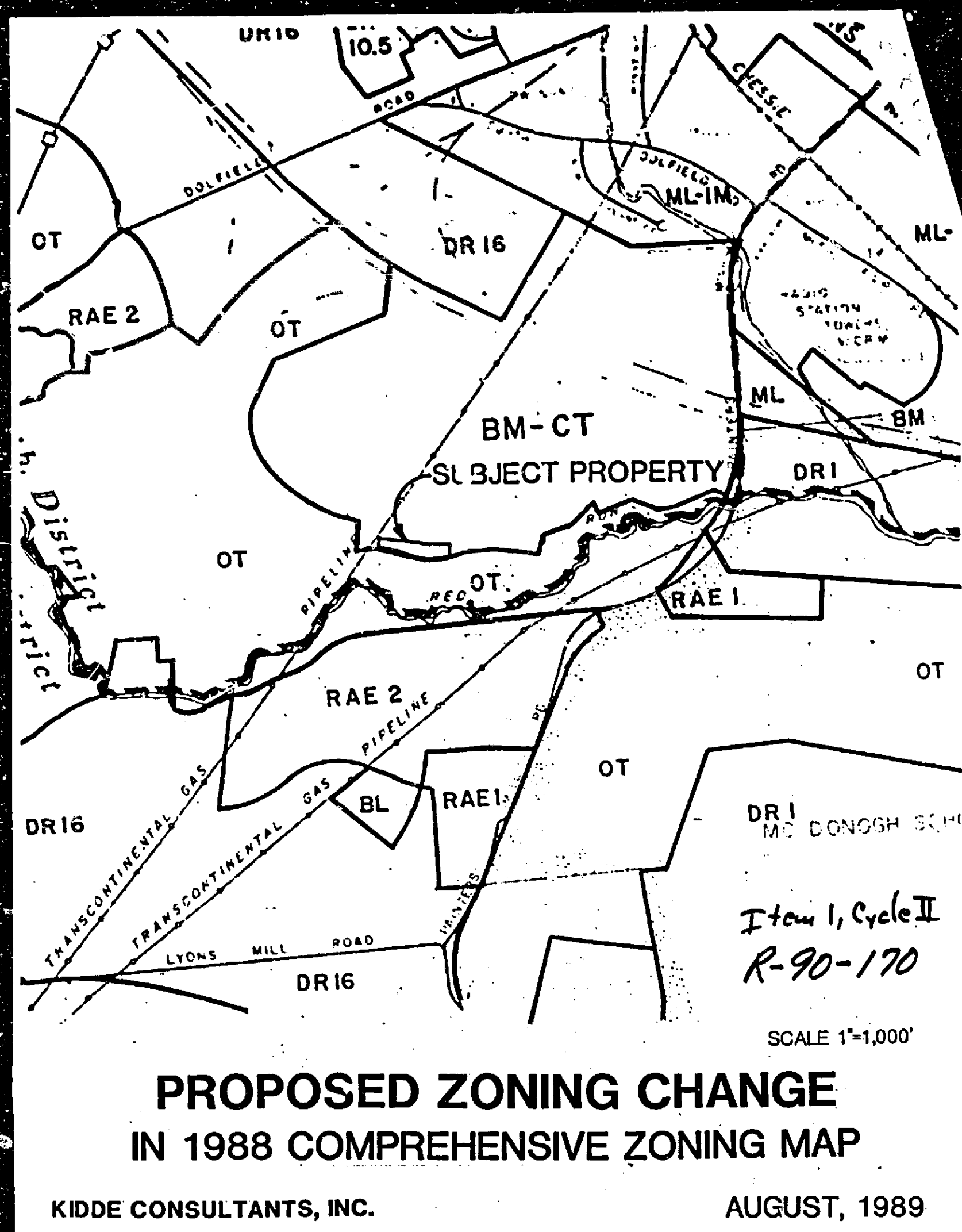
KIDDE CONSULTANTS, INC.
ENGINEERS • PLANNERS • SURVEYORS
1020 CROMWELL BRIDGE ROAD, BALTIMORE, MARYLAND 21204. 301-321-5500

OWNER:
PAINTERS MILL VENTURE CO. JACK DANIEL
106 OLD COURT ROAD
SUITE 202
PIKESVILLE, MARYLAND 21208

**PLAT TO ACCOMPANY
CYCLE ZONING REQUEST**

RED RUN BLVD. SITE FOR PAINTERS MILL VENTURE
ELECTION DISTRICT NO. 4
COUNCILMANIC DISTRICT NO. 3

SHEET	DATE	JOB
1	AUG. 23, 1989	NUMBER
OF	SCALE	
1	1"=50'	01-81278-R



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

Painters Hill Venture
Suite 202
106 Old Court Road
Pikesville, Maryland 21208
ATTN: JACK BAYLIN

Re: Petition for Zoning Re-classification
CASE NUMBER: R-90-170
5/8 Red Run Boulevard, 2061' E of Owings Mills Blvd.
4th Election District - 3rd Councilmanic
Petitioner(s): Painters Hill Venture
Hearing Scheduled: WEDNESDAY, March 7, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$444.55 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,
J. Robert Haines
Zoning Commissioner

cc: Richard A. Reid, Esq.
File

October 23, 1989

NOTICE OF HEARING

Petition for Zoning Re-classification
Case Number: R-90-170
5/8 Red Run Boulevard, 2061' E of Owings Mills Blvd.
4th Election District - 3rd Councilmanic
Legal Owner(s): Painters Hill Venture

Petition to reclassify the property from an R.M.-C.T. to an R.M.-C.S.A. zone.

TIME: 10:00 a.m.
DATE: Wednesday, March 7, 1990
LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Richard A. Reid, Esq.
Painters Joint Venture
File

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: No 1621
R-90-170

DATE: 2/27/90
PUBLIC HEARING FEES: \$661.00
GROSS POSTING SIGN & ADVERTISING: \$661.00
TOTAL: \$1322.00
LAST NAME OF OWNER: PAINTERS HILL

Cashier Validation: B 0228*****615514 5071F
Please make checks payable to Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: No 1621
R-90-170

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LAST NAME OF OWNER: PAINTERS HILL

Cashier Validation: B 0228*****615514 5071F
Please make checks payable to Baltimore County

CERTIFICATE OF PUBLICATION
TOWSON, MD., February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive first publication appearing on Feb 15, 1990.

THE JEFFERSONIAN,
S. Zeke Olson
Publisher

CERTIFICATE OF PUBLICATION
TOWSON, MD., February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive first publication appearing on Feb 15, 1990.

OWINGS MILLS TIMES,
S. Zeke Olson
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th
Date of Posting: 2-12-90

Posted for: Painters Hill Venture
Petitioner: S. Zeke Olson
Location of property: 5/8 Red Run Boulevard, 2061' E of Owings Mills Blvd.
Location of Sign: South side of Red Run Boulevard approx. 2.300' East of Owings Mills Boulevard

Remarks: S. Zeke Olson
Posted by: S. Zeke Olson
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 2/27/90
ACCOUNT: 01-615-300
AMOUNT: \$175.00

RECEIVED: 175.00
FOR: Painters Hill Venture
PAID TO: Painters Hill Venture

October 23, 1989

NOTICE OF HEARING

Petition for Zoning Reclassification
Case Number: 8-90-170
S/S Red Run Boulevard, 2061' E c/1 Owings Mills Blvd.
4th Election District - 3rd Councilmanic
Legal Owner(s): Painters Mill Venture

Petition to reclassify the property from an B.M.-C.T. to an B.M.-C.S.A. zone.

TIME: 10:00 a.m.

DATE: Wednesday, March 7, 1990

LOCATION: Room 301, County Office Building, 711 W. Cheseapeake
Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Richard A. Reid, Esq.
Painters Mill Venture
File

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS
WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE
SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE
ISSUED.

W.T.H.

CERTIFICATE OF PUBLICATION

Pikesville, Md. Nov 8 19 89

THIS IS TO CERTIFY, that the annexed advertisement
was published in the NORTHWEST STAR, a weekly
newspaper published in Pikesville, Baltimore
County, Maryland before the 7th day of
Nov 19 89

the first publication appearing on the
7th day of Nov 19 89
the second publication appearing on the
day of Nov 19 89
the third publication appearing on the
day of Nov 19 89

THE NORTHWEST STAR

Manager

Cost of Advertisement \$400

PO# 0018440

41704:1
RAR/pla
08-28-89

STATEMENT IN SUPPORT OF PETITION FOR ZONING RE-CLASSIFICATION

In accordance with the quadrennial comprehensive rezoning
procedure for Baltimore County as set forth in Section 22-21
the Baltimore County Code (1978), 1987 Cum. Supp., Painters
Venture, by Jack L. Baylin and Robert G. Merrick, Jr., its
managing partners, submitted a request for rezoning for seven
parcels of its land generally located northwest of the
intersection of Lyons Mill Road and Painters Mill Road in the
Third Councilmanic District (copy attached as Exhibit 1). All
of such requests were docketed under Item 3-309 in the log of
issues for the Third Councilmanic District (copy attached as
Exhibit 2). Included in that request was a request to rezone
small parcel of land on the south side of Red Run Boulevard f
RAE-2 to BM for an automobile service station to be known as
Run Auto Center (Exhibits 3, 4 and 5).

The Planning Staff agreed with the requested change of
zoning but only if the use of the BM zone would be limited to
the proposed use, viz. a full service gasoline station with a
convenience facility. To reassure the Planning Staff in this
respect, Painters Mill Venture wrote a letter to Jack Dillon,
Senior Community Planner for Baltimore County, with a copy to
the council person for the Third District, guaranteeing that
the BM zoning were granted, the property would be used only as
full service gasoline station with a convenience facility (cop
attached as Exhibit 6). Accordingly, the Planning Staff

recommended a change in zoning by extending the existing BM-CT
line to include the proposed site for the filling station. The
County Council adopted the Planning Staff's recommendation and
rezoned the parcel BM-CT (Exhibits 7 and 8). Bill No. 146-88
doing so was signed by the County Executive on October 20, 1988
and became effective December 4, 1988.

After the maps were adopted it was discovered that a
gasoline station such as that proposed which is not part of a
planned shopping center is not permitted in a BM-CT zone.
Therefore, the site cannot now be utilized for the use which
Painters Mill Venture and Baltimore County desired and intended
to establish. This was error. The error should be corrected by
changing the zoning on the subject property from BM-CT to BM-CSA
as indicated on Exhibit 9 and the site plan filed herein to
permit the desired use as a matter of right.

Respectfully submitted,

Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
(301) 823-1800

Attorney for Petitioner

-2-

KIDDE CONSULTANTS, INC.

ZONING DESCRIPTION OF
1.8591 ACRES AT O.M.T.C.
GAS STATION PARCEL
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point designated as #5086 as
shown on a plat entitled "4th Amended Plat Owings Mills Town
Center" as recorded among the Land Records of Baltimore County,
Maryland in Plat Book S.M. 56 at Folio 35, said point being
approximately 2,061 feet easterly from the intersection of Owings
Mills Boulevard with the south right of way line of Red Run
Boulevard, thence binding on the south side of Red Run Boulevard,
83 feet wide, referring all courses of this description to the
meridian of said plat the following course:

(1) by a curve to the left 212.47 feet, said curve having a
radius of 1,041.50 feet and a chord of South 87 degrees 33
minutes 23 seconds East 212.10 feet, thence leaving said road and
running through the lands of said plat and the lands of a deed
dated December 16, 1955 from Caroline Limerick Lycett, et al to
Allan L. Berman and wife, which is recorded among the Land
Records of Baltimore County, Maryland in Liber O.T.G. 4562 at
Folio 525, the twelve following courses:

(2) South 03 degrees 24 minutes 02 seconds East 101.43 feet,
(3) North 87 degrees 12 minutes 26 seconds West 20.52 feet,
(4) South 80 degrees 58 minutes 50 seconds West 41.79 feet,

KIDDE CONSULTANTS, INC.

Description
1.8591 Acres - O.M.T.C. - Gas Station
August 22, 1989
Page 2

(5) by a curve to the left 43.86 feet, said curve having a
radius of 222.50 feet and a chord of South 75 degrees 20 minutes
02 seconds West 43.79 feet,
(6) South 69 degrees 41 minutes 14 seconds West 47.41 feet,
(7) by a curve to the left 55.27 feet, said curve having a
radius of 140.11 feet and a chord of South 81 degrees 00 minutes
00 seconds West 54.91 feet to the north side of a 70 foot wide
gas right of way, thence binding thereon,
(8) North 87 degrees 42 minutes 35 seconds West 63.99 feet,
thence leaving said gas line,
(9) by a curve to the right 147.78 feet, said curve having a
radius of 350.88 feet and a chord of North 75 degrees 38 minutes
40 seconds West 146.69 feet,
(10) North 63 degrees 34 minutes 45 seconds West 102.87 feet,
(11) by a curve to the left 72.80 feet, said curve having a
radius of 692.34 feet and a chord of North 66 degrees 35 minutes
30 seconds West 72.77 feet,
(12) North 69 degrees 36 minutes 15 seconds West 102.12 feet,
(13) North 08 degrees 17 minutes 17 seconds East 66.99 feet, to
intersect the south side of Red Run Boulevard, thence binding
thereon,

KIDDE CONSULTANTS, INC.

Description
1.8591 Acres - O.M.T.C. - Gas Station
August 22, 1989
Page 3

(14) South 81 degrees 42 minutes 43 seconds East 440.52 feet to
the point of beginning.

CONTAINING 1.8591 acres of land, more or less.

AP/pek KCI Job Order No. 01-81278R August 22, 1989
Work Order No. 53187



4099d:7
RAR/plm
08-22-89

AFFIDAVIT IN SUPPORT OF PETITION FOR ZONING RE-CLASSIFICATION

My name is JOHN J. DILLON, JR. and I am a Senior Planner
for Community Planning of the Department of Planning for
Baltimore County. As such, I am intimately familiar with the
quadrennial comprehensive rezoning procedure for Baltimore
County as set forth in Section 22-21 of the Baltimore County
Code (1978), 1987 Cum. Supp. In the process which culminated in
the adoption of new comprehensive zoning maps for Baltimore
County on October 13, 1989 I was the Senior Planner assigned to
the western and northern portion of Baltimore County which
included property owned by Painters Mill Venture.

In accordance with the rezoning procedure, Painters Mill
Venture, by Jack L. Baylin and Robert G. Merrick, Jr., its
managing partner, submitted a request for rezoning for several
parcels of its land generally located northwest of the
intersection of Lyons Mill Road and Painters Mill Road in the
Third Councilmanic District (copy attached as Exhibit 1). All
of such requests were docketed under Item 3-309 in the log of
issues for the Third Councilmanic District (copy attached as
Exhibit 2). Included in that request was a request to rezone a
parcel of .43 acres, more or less, on the south side of Red Run
Boulevard from RAE-2 to BM for an automobile service station to
be known as Red Run Auto Center (Exhibits 3, 4 and 5).

The Planning Staff agreed with the requested change of
zoning but only if the use of the BM zone would be limited to

ROBERTON MUELLER,
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